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Circular No. 1600

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

PART 194 - POTASSIUM PERMITS AND LEASES

Section 194.3 is amended by eliminating therefrom the
word "equally" in the second sentence.

(Sgd) Fred W. Johnson,

Commissioner.

Approved: March 23, 1945

(Sgd) Abe Fortas,

Acting Secretary of the Interior.

Circular No. 1601

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

*Obsolete - Replaced
by Circ. 1788*

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

PART 193 - MINERAL LANDS: COAL PERMITS, LEASES AND LICENSES

Section 193.21 is amended by eliminating therefrom the words "or where any part of the land is within a reclamation project" in the second sentence.

Section 193.24 is amended to read:

Requirements when lands are within a reclamation project. Where any part of the lands embraced in an application for coal permit or lease is within a reclamation project, the Commissioner, Bureau of Reclamation, will be requested to submit a report as to whether there is any objection to the granting of a coal permit or lease. In cases where the Commissioner, Bureau of Reclamation, recommends that a special stipulation be furnished by the applicant to protect the interest of the United States, such stipulation will be required prior to the granting of a permit or lease.

Part 193 is further amended by adding thereto the following:

ASSIGNMENTS AND SUBLEASES

193.26a Assignments of leases and permits; subleases. Leases may be assigned or subleased in whole or in part to qualified persons or corporations upon first obtaining consent of the Secretary of the Interior. Permits may be assigned upon first obtaining consent of the Commissioner of the General Land Office. Assignments, whether by direct assignment, operating agreement, working or royalty interest, or otherwise, or subleases, when submitted must be filed in triplicate within 90 days from date of execution and must contain all of the terms and conditions agreed upon by the parties thereto. If the true consideration is not stated in the instrument, an accompanying affidavit must be submitted stating the consideration in full. The affidavit will be treated as confidential and not for public inspection.

Paragraph (2j) of the form of coal lease, 4-696, set out in section 193.16 is amended to read:

That the leasee shall not assign this lease or any interest therein, whether by direct assignment, operating agreement, working or royalty interest, or otherwise, nor sublet any portion of the leased premises, except with the consent in writing of the Secretary of the Interior. All such assignments or subleases must be submitted in triplicate within 90 days from date of execution and must contain all of the terms and conditions agreed upon by the parties thereto. If the true consideration is not stated in the instrument, an accompanying affidavit must be submitted stating the consideration in full.

The form of coal permit set out in section 193.22, Form 4-694, is amended by deleting the text which follows paragraph numbered four and substituting therefor the following:

5. To abide by and conform to any and all reasonable regulations of the Secretary of the Interior now or hereafter in force, all of which regulations are made a part and condition of this permit: Provided, That such regulations are not inconsistent with any express and specific provisions hereof.

6. That the permittee shall not assign this permit or any interest therein, whether by direct assignment, operating agreement, working or royalty interest, or otherwise, except with the consent in writing of the Commissioner of the General Land Office. All such assignments must be submitted in triplicate within 90 days from date of execution and must contain all of the terms and conditions agreed upon by the parties thereto. If the true consideration is not stated in the instrument, an accompanying affidavit must be submitted stating the consideration in full.

7. To conduct operations under this permit in such a way as not to interfere with the administration and use of the land to a greater extent than may be determined by the Secretary of the Interior to be necessary for the most beneficial use of the land in case any of the land described herein is embraced in a forest, reclamation, power, or other withdrawal or is segregated for any particular purpose.

Expressly reserving to the Secretary of the Interior the right to permit for joint or several use such easements or rights of way upon, through, or in the lands embraced herein as may be necessary or appropriate to the working of the same, or of other lands containing the deposits described in said act, and the treatment and shipment of the products thereof by or under authority of the Government, its lessees, or permittees, and for other public purposes; also reserving to the United States the right to lease, sell, or otherwise dispose of the surface of said lands under existing law or laws hereafter enacted in so far as said surface is not necessary for the use of the permittee in prospecting hereunder, and further reserving the right and authority to

cancel this instrument for failure of the permittee to comply with any of the conditions hereof, after 30 days' notice of the reasons for such cancellation.

The granting of this permit will not preclude the issuance of other permits or leases of the same land for the mining of other minerals with suitable stipulations as to joint operation, in order that the full development of the mineral resources may be obtained.

Valid existing rights acquired prior hereto on the lands described herein will not be adversely affected hereby.

Dated

Commissioner of the General Land Office

(Sec. 32, 41 Stat. 450, 30 U. S. C. 189)

(Sgd) Fred W. Johnson,
Commissioner.

Approved: March 27, 1945

(Sgd) Michael W. Straus,
Assistant Secretary.

cannot take advantage of the fact that the
of the Commission's report. After a long
discussion.

The fact that the Commission has not
been able to reach an agreement on the
subject of the Commission's report is
a matter of regret. It is to be hoped
that the Commission will be able to
reach an agreement on the subject of the
Commission's report.

With regard to the Commission's report
on the subject of the Commission's report.

and

Commission of the European Communities

(Date of the Commission's report)

(Date of the Commission's report)

(Date of the Commission's report)

(Date of the Commission's report)

(Date of the Commission's report)

Circular No. 1602

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

Abolite
See Circ 1764

CODE OF FEDERAL REGULATIONS
TITLE 43 - CHAPTER I - PUBLIC LANDS: INTERIOR

PART 257 - LEASE OR SALE OF SMALL TRACTS, NOT EXCEEDING FIVE
ACRES, FOR HOME, CABIN, CAMP, HEALTH, CONVALESCENT,
RECREATIONAL OR BUSINESS SITES 1/

The regulations governing leases or sales under the Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), contained in Part 257 of Title 43 (Circulars 1470, 1491, 1506, and 1536 of June 10, 1940, July 3, 1941, March 25, 1942, and May 26, 1943, respectively), are amended by amending the sections listed below, and adding a new section, as follows:

Section 257.⁴ is amended by substituting in the first sentence thereof a period for the comma after the figure 4-775, and deleting the succeeding phrase in that sentence. The section is further amended by deleting therefrom the second paragraph and the Form (4-775) of Application for Lease.

Section 257.9, preceding Form 4-776, is amended to read:

"257.9 Issuance of a lease. Leases under the Small Tract Act will be prepared in quadruplicate on Form 4-776.

Applications for leases may be acted upon by the register, and leases issued by him, for not more than five years, for a home, cabin, camp, health, convalescent, or recreational site, without obtaining approval of the Secretary of the Interior or the Commissioner of the General Land Office, provided the application is for land already classified for such purpose by the Secretary and the application relates only to a single tract as established by the order of classification. All leases for business sites will be issued by the Commissioner."

Except as in this section provided, the Commissioner will act upon all applications for leases of land previously classified for such purpose by the Secretary.

The section is further amended by deleting therefrom the form of lease, 4-776.

1/ The title for Part 257 is amended to conform hereto.

Section 257.26 is amended to read:

"257.26 Rights of veterans of World War II. Where public land is classified under the Small Tract Act by the Secretary of the Interior, ~~on~~ ^{by} motion, veterans of World War II have a preference right for 90 days, in accordance with section 4 of the Act of September 27, 1944 (58 Stat. 748, 43 U.S.C. sec. 282), after the effective date of the classification of the lands, in which to file application under the Small Tract Act."

The following section is added:

"257.27 Appeals. An appeal pursuant to the Rules of Practice, Part 221, may be taken from any decision of the register to the Commissioner of the General Land Office, and, from his decision, to the Secretary of the Interior."

(Sgd) Fred W. Johnson,
Commissioner.

Approved: March 30, 1945.

(Sgd) Michael W. Straus,
Assistant Secretary.

Circular No. 1603

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

CODE OF FEDERAL REGULATIONS
TITLE 43--PUBLIC LANDS: INTERIOR

PART 130 -- GENERAL REGULATIONS INVOLVING
CERTIFICATES AND SCRIP

Section 130.2 is amended to read:

130.2 When publication must begin. Where classification of the land is required under section 7 of the Act of June 28, 1934 (48 Stat. 1269), as amended by the Act of June 26, 1936 (49 Stat. 1976, 43 U.S.C. sec. 315f), publication of notice of location or selection should not be started until authorization is received from the General Land Office. Where classification is not required, the Register will require the locator or selector, within 20 days from the filing of his location or selection, to begin publication of notice thereof, at his own expense, in a newspaper to be designated by the register as of general circulation in the vicinity of the land, and to be the nearest thereto. Such publication must be made once a week for 5 consecutive weeks, in accordance with section 106.18, during which time a similar notice of the location or selection must be posted in the district land office and upon the lands included in the location or selection, and upon each and every non-contiguous tract thereof.

PART 132 -- SOLDIERS' ADDITIONAL HOMESTEAD RIGHTS

Section 132.8 is amended to read:

132.8 Action on applications. Where an application to locate soldiers' additional rights under sections 2306 and 2307, Revised Statutes (43 U.S.C. 274, 278), is held for rejection by the General Land Office, and the applicant accepts the holding and files a substitute soldier's additional right, such substitute right should be accompanied by a formal application (Form 4-008a), duly executed. As the substitution amounts to a waiver of all rights under the rejected application, the substituted right should be given a new serial number by the register. Publication and posting must be made as required by sections 130.1-130.4, and a copy of the notice of publication must be forwarded to the proper regional field examiner for his indorsement in accordance with sections

*See Cir
1861*

224.1-224.6, except in Alaska, where publication and posting must be made in accordance with section 10, Act of May 14, 1898 (30 Stat. 413; 48 U.S.C. 359), and section 61.15. The above covers cases in which the entire right has been held to be invalid, and has no bearing whatever on the so-called "combination" cases. Where a part of a combination of rights is held to be invalid and new rights substituted therefor, a formal application (Form 4-008a) should not be filed, and a new serial number should not be assigned. Applications to locate soldiers' additional rights, whether certified or uncertified, must in no instance be considered by registers for allowance, but must be transmitted with their regular returns. Where classification of the land is required under section 7 of the Act of June 28, 1934 (48 Stat. 1269), as amended by the Act of June 26, 1936 (49 Stat. 1976, 43 U.S.C. sec. 315f), publication of notice of location or selection should not be started until authorization is received from the General Land Office. Where classification is not required, publication and posting should be started within 20 days from the date of filing, and when completed should be transmitted with the regular returns. The register must date and sign his certificate to such applications. In every case the applicant must be designated as assignee of the soldier, or soldiers, and care observed to give the soldier's full name. Fees and commissions in connection with soldiers' additional applications are not required to be tendered at the time of filing. If tendered the register must, of course, issue receipts therefor.

No such application should be received by the register unless accompanied by evidence of the right, or by a reference to the case, by land office, serial number and description of the land, containing such evidence.

(Sgd) Fred W. Johnson,
Commissioner.

Approved: May 2, 1945

(Sgd) Oscar L. Chapman,

Assistant Secretary.

Circular No. 1604

112191

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

PART 145 - GENERAL REGULATIONS GOVERNING EXCHANGES

The following section is added to Part 145:

APPLICATION TO SELECT
WITHDRAWN LANDS IN AN EXCHANGE

Sec. 145.6 Disposition of application. An exchange application which involves the selection of withdrawn lands, and is accompanied by a petition for the restoration of the selected lands from the withdrawal which shows that the application is made pursuant to a land-use program of the Federal Government, will not be rejected by the register but will be forwarded by him to the General Land Office with his regular returns for such action as may be deemed appropriate. (R. S. 453, 2478; 43 U. S. C. 2, 1201.)

(Sgd) Fred W. Johnson,
Commissioner.

Approved: May 18, 1945

(Sgd) Oscar L. Chapman,
Assistant Secretary.

*Obsolete
Revoked. See circ. 1797*

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District Land Office 112534
BILLINGS, MONTANA

Circular No. 1605

JUN 4 - 1945

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

EXCHANGES WITH THE STATE OF MINNESOTA TO OBTAIN LANDS IN
NATIONAL PARKS, NATIONAL FORESTS, AND OTHER FEDERAL RESER-
VATIONS AND LAND UTILIZATION PROJECTS.

Section 152.20. Statutory authority. The act of December 7, 1942 (56 Stat. 1042), provides that when the public interest will be served thereby Minnesota lands owned by the State and contiguous to or situate within the exterior boundaries of Federal reservations or certain land-use projects under the jurisdiction of the Secretary of the Interior or of the Secretary of Agriculture may upon selection by the State be exchanged for Minnesota lands of equal value owned by the United States and administered by one of the Secretaries mentioned.^{1/}

152.21. Who shall determine whether an exchange will be in the public interest. An exchange of lands under this Act may be made only after a determination that the proposed exchange will be in the public interest and that the offered and the selected lands are of approximately equal value. These questions will be determined by the Secretary of the Interior if he has jurisdiction of the selected lands and is to have jurisdiction of the offered lands. They will be determined by the Secretary of Agriculture if that Secretary has jurisdiction of the selected lands and is to have jurisdiction of the offered lands and if in addition he is to convey the selected lands. In all other cases, the determination will be made by the two Secretaries jointly.

152.22. Status of lands acquired from the State. The lands acquired from the State will become part of the Federal reservation or of the land utilization project to which they may be contiguous or within the exterior boundaries of which they may be situate. They will be administered by the Secretary having jurisdiction of such reservation or project and will be subject to the laws, rules and regulations applicable thereto; except that lands becoming part of a national forest through an exchange of public lands of the United States shall be subject to the provisions of the act of February 1, 1905 (33 Stat. 628, 16 U. S. C. sec. 472), in respect to the surveying, prospecting, locating, appropriating, entering, relinquishing, reconveying, certifying or patenting of lands reserved from the public domain.

^{1/} It is understood that the term "Federal reservations" does not include Indian reservations and that the term "lands owned by the United States" does not include lands held by the United States for the benefit of Indians.

152.23. State lands acceptable to United States and United States lands subject to State selection. State and United States lands subject to exchange are as follows:

1. The State may offer any lands owned by the State which are contiguous to or situate within the exterior boundaries of any Federal reservation under the jurisdiction of the Secretary of the Interior, whether national park or other type of reservation.

In exchange for such lands the State may select any public or other United States lands in Minnesota of equal value whether under the jurisdiction of the Secretary of the Interior or under that of the Secretary of Agriculture.

In such exchanges the State's title to the offered lands will be accepted by the Secretary of the Interior. The United States title to the selected lands will be conveyed by the Secretary having jurisdiction of the lands conveyed; except that conveyance of public domain in national forests shall be made by the Secretary of the Interior as provided for by the Act of February 1, 1905 (33 Stat. 628, 16 U. S. C. sec. 472).

2. The State may also offer any lands owned by the State and contiguous to or situate within the exterior boundaries of any Federal reservation which is under the jurisdiction of the Secretary of Agriculture, whether national forest, land-use project under title III of the Bankhead-Jones Farm Tenant Act of July 22, 1937 (50 Stat. 522; 7 U. S. C. secs. 1000-1029), or other type of reservation.

In exchange for such lands the State may select lands as follows:

(a) Any United States lands in Minnesota of equal value which are under the jurisdiction of the Secretary of Agriculture and which he has statutory authority to convey otherwise on behalf of the United States.^{2/}

(b) Any United States public lands in Minnesota of equal value which are under the jurisdiction of the Secretary of the Interior, which he has statutory authority to convey otherwise on behalf of the United States, and which are either

(1) surveyed, unappropriated and unreserved except as provided by Executive Order No. 6964, dated February 5, 1935; or

(2) situate in national forests.

In exchanges under 2 (a) the State's title to the offered lands will be accepted by the Secretary of Agriculture and United States title to the selected lands will be conveyed by him.

In exchanges under 2 (b) the State's title will be accepted by the Secretary of the Interior and United States title to the selected lands will be conveyed by him.

^{2/} Exchanges under 2 (a) are under the jurisdiction of the Secretary of Agriculture and are not covered by these regulations.

152.24. Preliminary negotiations and informal application. All preliminary negotiations relating to a proposed exchange under the Act of December 7, 1942 (56 Stat. 1042) are to be conducted with the local representatives of the Department having jurisdiction over the Federal reservation or land-use project to which the offered lands may be contiguous or within the exterior boundaries of which they may be situate. The State should file with such representatives of the Government an informal application describing the lands to be conveyed by the State and the lands desired in lieu thereof. The lands selected in any one application should not exceed 6,400 acres and should be specifically described according to Government subdivision. Nothing less than a legal subdivision may be offered or selected except where the State or the Government does not own the entire legal subdivision in question or where only a portion of a legal subdivision offered is valuable for Federal purposes, or where the United States desires to retain ownership of some portion of a selected subdivision because such portion is chiefly valuable for Federal purposes.

152.25. Reservations and conditions; examination and appraisal. Conveyances of offered and selected lands in exchanges under this Act may be made subject to such reservations and conditions as the State of Minnesota and the United States respectively may severally prescribe. Such reservations and conditions must receive due consideration in the determination of the value of the lands for exchange purposes.

The informal application for exchange should show in detail every reservation, easement or condition previously made or to be made by the State regarding the offered lands and should also show the reservations, easements or conditions regarding the selected lands which are to be made by the United States and which are acceptable to the State.

To meet the requirements of the law that the lands exchanged be of equal value, both the offered and the selected lands will be examined and appraised in the field by the proper representatives of the Government. If such examination discloses inequalities of value the State will be so advised and opportunity will be afforded for adjustments which will bring the exchange within the provisions of the law. Where joint examinations and appraisals by representatives of both Departments and the State are necessary, arrangements therefor may be made by representatives of the Departments.

When the representatives of the State and of the United States shall have reached a tentative agreement regarding values, the Regional Field Examiner will transmit a copy of the report of examination and appraisal to the General Land Office in cases in which the Department of the Interior has jurisdiction over the selected lands or is to have jurisdiction over the offered lands. But in cases in which such jurisdiction is or is to be in the Department of Agriculture the examiner will send the report to the appropriate representative of that Department.

152.26. Procedure after determination that the exchange will be in the public interest. When, in cases in which the selected lands are under the jurisdiction of the Secretary of the Interior or in which the offered lands are to be accepted by him, it has been determined to the satisfaction of the Secretary of the Interior, and to that of the Secretary of Agriculture as well when the interests of

both Departments are affected, that the exchanges sought will be in the public interest and that the value of the selected lands does not exceed that of the offered lands, the General Land Office will notify the State officials that they may file in the General Land Office a formal application for such exchange.

152.27. Formal application together with deed, abstract, certificates and affidavits. The formal application should be filed in triplicate in the General Land Office by the proper State official. It should state under what act or acts it is made. It should describe the offered and the selected lands and should detail the desired reservations and conditions as prescribed in sections 152.24 and 152.25 respectively. It should be accompanied by supporting documents as follows:

1. A certificate by the selecting agent that the selection is made under and in pursuance of the laws of the State; that the selected lands are unappropriated and not occupied, claimed, improved or cultivated by any person adversely to the State; and that their value does not exceed that of the offered lands.

2. A certificate by the selecting agent that the State has not tendered the offered lands as a basis for any other selection or exchange; that the State is the owner of the offered lands and that there is no outstanding instrument or entry of record impairing its title; said certificate also to state under what law the State acquired title from the United States; whether the State ever alienated the lands; and if so in what manner and under what legal authority the State reacquired ownership thereof.

3. A corroborated affidavit relative to springs or water holes on the selected lands, in accordance with the regulations in sections 292.1-292.9.

4. A duly executed but unrecorded deed to the offered lands.

5. A duly authenticated abstract of title to said offered lands in cases in which said lands were ever held in private ownership and were acquired by the State from such sources.

152.28. Deed of conveyance of base lands. The deed of conveyance must be prepared in accordance with the laws of the State of Minnesota governing the conveyance of real property and must convey to the United States all right, title and interest in and to the offered lands. It should recite that it is made "for and in consideration of the exchange of certain lands as authorized by the Act of December 7, 1942 (52 Stat. 1042)." It must be accompanied by a certificate of the proper State officer showing that the officer executing the conveyance was authorized by the law of the State to do so, that at the time the conveyance was executed the title was in the State and that the offered lands have not been sold or otherwise encumbered by the State.

152.29. Abstract of title. The abstract of title must show all matters which are of record in the county where the offered lands lie and which in any manner affect the title thereto.

152.30. Authentication required; certificates; taxes. The certificate of authentication of the abstract must be signed by the recorder of deeds or official custodian of the records of transfers of real estate in the proper county under

his official seal or by an abstractor or an abstract company approved by the General Land Office in accordance with section 211.1. The certificate must show that the title memoranda are a full, true, and complete abstract of all matters of record or on file in the appropriate office or offices of the county or counties in which the offered lands are situate, including but not limited to all conveyances, mortgages, liens or other encumbrances, judgments against the various grantors, mechanics liens, lis pendens, or other instruments affecting in any manner the title to the offered lands and required by law to be filed with the recording officers.

The custodian of the tax records must certify that all taxes and drainage charges that have been levied or assessed against the lands or that could operate as a lien thereon have been fully paid and that there are no unredeemed tax sales and no tax deeds outstanding as shown by the records of his office. He must also certify as to any tax lien which exists thereon even though at the date of the execution of the deed such tax may not yet have been assessed or have become due or payable.

152.31. Title insurance. Title insurance issued by a company which is acceptable to the Department of the Interior may be offered in lieu of an abstract of title, provided the policy is free from conditions and stipulations not agreeable to the Department.

152.32. Execution and filing of petitions for classification. When the State desires public domain lands affected by Executive Order No. 6964 issued February 5, 1935, but otherwise unreserved, it must comply with the rules governing the execution and filing of petitions for classification of lands and opening them to selection as prescribed in sections 296.1, et seq.

152.33. Publication and proof. Within 30 days from the filing of the formal application for exchange the State will begin publication of notice thereof at the State's expense in some newspaper or newspapers designated by the General Land Office and having a general circulation in the county or counties in which the offered lands and the lands selected are situate. The notice must be published once each week for four successive weeks. It should describe the offered and the selected lands in terms of legal subdivisions and state that the purpose of the notice is to afford to all persons claiming the selected lands or having bona fide objections to the proposed exchange an opportunity to file their protests in the General Land Office, accompanied with a showing that they have served a copy of such protest upon the State. Proof of publication will consist of an affidavit made by the publisher or foreman or other proper employee of the newspaper and showing the dates of publication and a copy of the published notice.

152.34. Action by General Land Office. The General Land Office will examine the proof of publication and will consider and act upon any protest filed against the exchange. If no protest be filed within 30 days from the date of the first publication of the notice and if it be found that all requirements have been met and that the State is entitled to the exchange sought, the General Land Office will return to the State the State's deed of conveyance to be recorded and the abstract of title to be extended to the date of the recordation of the deed, both documents to be retransmitted to the General Land Office within 30 days from the State's receipt thereof.

If upon such return of the deed and the abstract all be found regular and in conformity with the law and if there be no objections, title to the offered lands will be accepted and United States patent will issue for the selected lands if they are under the jurisdiction of the Secretary of the Interior or under his authority to convey.

Notice of additional requirements, of rejection or of other adverse action will be given and the right of appeal, review or rehearing will be recognized in the manner prescribed by the rules of practice, Part 221.

152.35. Deed and abstract to be returned if selection is rejected or canceled. Should the application for exchange be finally rejected or the selection for any reason be canceled, the unrecorded deed and the abstract of title will be returned to the State.

(Sgd) Fred W. Johnson,

Commissioner.

Approved: May 18, 1945.

(Sgd) Oscar L. Chapman,

Assistant Secretary.

I concur: November 18, 1944

(Sgd) Grover B. Hill

Acting Secretary of Agriculture.

Circular No. 1606

*Absolute Sec
Director's memo. 2/16/49.*

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

PART 261 - DISPOSAL OF SAND, STONE, GRAVEL,
VEGETATION, TIMBER OR OTHER FOREST PRODUCTS.

Secs.

- | | | | |
|--------|--|--------|---|
| 261.1 | Statutory authority | 261.13 | Offer of contract |
| 261.2 | Period during which act
and contract will re-
main in force | 261.14 | Bond |
| 261.3 | Policy | 261.15 | Approval of con-
tract |
| 261.4 | Appraisal; methods of
sale | 261.16 | Extensions of time |
| 261.5 | Who may apply | 261.17 | Default; notice;
expense incurred
by Government
chargeable to pur-
chaser |
| 261.6 | Application; contents | 261.18 | Termination of con-
tract; refunds |
| 261.7 | Fees and purchase money | 261.19 | Removal of personalty
or materials upon
termination of con-
tract |
| 261.8 | Action by register | 261.20 | Cancellation of con-
tract |
| 261.9 | Action by General Land
Office | 261.21 | Appeals |
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| 261.11 | Action on protests; pro-
cedure in event of sale
to highest bidder | | |
| 261.12 | Preparation and con-
tent of contract | | |

AUTHORITY: Secs. 261.1 to 261.21, inclusive, issued
under the act of September 27, 1944 (58 Stat. 745, 50 U.S.C.
App. secs. 1601-1603).

SALES OF SAND, STONE, GRAVEL, VEGETATION,
TIMBER OR OTHER FOREST PRODUCTS

Section 261.1 Statutory authority. The act of September 27, 1944 (58 Stat. 745, 50 U.S.C. App. secs. 1601-1603), authorizes the disposal of sand, stone, gravel, vegetation, timber or other forest products on public lands of the United States which are under the exclusive jurisdiction of the Secretary of the Interior in the continental United States and Alaska but not situated in any national park or monument or on any Indian lands or lands set aside or held for the use or benefit of Indians. Such disposal may be made only on the following conditions:

- (a) That it shall not be detrimental to the public interest;
- (b) That it shall not have been expressly prohibited by laws of the United States;
- (c) That it shall not have been otherwise expressly authorized by laws of the United States;
- (d) That it shall not be for materials of a value exceeding \$10,000.00 unless authorized by laws of the United States;
- (e) That public notice of the contemplated disposal shall have been given;
- (f) That adequate compensation shall be paid for such materials.

261.2 Period during which act and contract will remain in force. The act of September 27, 1944, provides that the powers granted therein shall cease to exist at the cessation of hostilities in the present war as determined by proclamation of the President or by concurrent resolution of the Congress. Upon termination of said powers any contract then in force shall likewise terminate.

261.3 Policy. Materials shall not be disposed of under the act if it appears that such disposal would endanger, destroy, or reduce the value of other resources in or upon the land or unduly interfere with other proper uses of the land or its resources.

All rights acquired hereunder shall be exercised in such manner as not to cause unnecessary reduction in the usefulness of the land for other purposes or to impair the scenic values or recreational uses of the land.

Where timber which is dead, down, damaged, or threatened with damage, is intermingled with timber which is live, standing, and of merchantable size and quality and it is not feasible to sell the two classes of timber separately, consideration will be given to the disposal of both classes in a single transaction under these regulations.

261.4 Appraisal; methods of sale. All materials disposed of hereunder shall be appraised and in no case shall they be sold at less than the appraised price. They may be sold to a qualified applicant under the form of contract described in section 261.12 and upon such additional terms as particular circumstances may make advisable or to the qualified person making the highest offer at public auction or under sealed bids.

261.5 Who may apply. An applicant may be (a) an individual who is a citizen of the United States or one who has declared his intention to become a citizen, (b) a partnership or an association composed of such persons, or (c) a corporation organized under the laws of the United States or of a State or Territory thereof and authorized to transact business in the State or Territory in which the lands involved are situated.

261.6 Application; contents. An application under this Part must be filed in triplicate in the land office for the district in which is situated the land containing the materials desired. If there be no district land office in the State, the application shall be filed in the General Land Office. No specific form of application is required but it should contain the following data:

(a) The full name and address of the applicant, the general nature of his business, and the principal place of business;

(b) The age and proof of the citizenship of the applicant if an individual, or as to each partner or member if a partnership or association. If the applicant is native born, a statement to that effect will be sufficient. An applicant who is a naturalized citizen shall state the date of his naturalization, the court in which he was naturalized, and if he knows it, the number of his naturalization certificate. One who has only declared his intention to become a citizen shall state the date of the declaration and the court in which it was filed. If the applicant is a woman, she shall also state whether she is married or single, and if married, she must furnish the date of her marriage and the facts concerning her husband's citizenship.

A copartnership or an association applicant shall file a certified copy of whatever written articles of association its members may have executed.

A corporation applicant shall file a certified copy of its articles of incorporation and also state the residence and the citizenship of every one of its stockholders, listing its alien stockholders separately. Where the corporation is not organized under the laws of the State or Territory embracing the lands affected, such corporation shall file a certificate by the proper officer of the State or Territory of its incorporation showing its authority to do business in the jurisdiction where said lands are situated.

(c) Surveyed lands must be described according to legal subdivision, section, township, and range. Unsurveyed land must be described by metes and bounds with a tie to a corner of the public land surveys if within two miles, otherwise a tie must be made to some prominent topographic feature and the approximate latitude and longitude shall be given when practicable. The approximate acreage involved shall be given and the lands described shall be restricted to the smallest area that can supply the desired materials consonant with proper conservation measures.

(d) The serial numbers of all other applications filed by the applicant under this act.

(e) The nature and quantity of the material currently desired, the purpose for which it is needed and will be used, the amount of material estimated as being on the land, and its unit value.

(f) The experience and ability of the applicant to handle the material, the proposed method of taking it, and when the taking and removal could be commenced and completed.

(g) The facts as to the buildings and improvements which the applicant proposes to place on the land including their estimated cost and a description of the tracts desired for their site.

(h) Whether the land is occupied or improved by any person or is being worked under the United States mining laws, and if so, by whom and for what purpose.

(i) Whether the land contains any springs or water holes and if so, their size, volume, location, and usefulness in that locality.

261.7 Fees and purchase money. The fees to be paid shall be \$10.00 on any acreage up to 1,000 acres and \$5.00 on every 1,000 acres or fraction thereof in excess of the first 1,000 acres. Pending action on the application, the fee shall be carried as unearned. If the application shall be rejected, the fee shall be returned. If a contract based on the application shall be offered to the applicant and refused by him, the fee shall be covered into the Treasury as earned. All moneys received from the sale of said materials shall be disposed of in the same manner as moneys received from the sale of public lands.

261.8 Action by register. The register shall give to every application a current serial number and shall note it on the records of the district land office. He shall reject any application which shall not be properly executed and shall not be accompanied by the required fee. He shall forward to the General Land Office all applications filed under these regulations.

261.9 Action by General Land Office. The General Land Office shall examine every application upon its receipt from the register. That office may reject an application which it shall find defective in any way or unsupported by an adequate and satisfactory showing, or it may require defects to be cured or additional evidence to be provided.

261.10 Publication and posting. The Commissioner of the General Land Office if he shall find no objection to the granting of the application shall require the applicant to publish notice of the application at the applicant's own expense in a newspaper designated by the Commissioner and published in the county containing the materials, and if no newspaper be published in such county then in a paper published in the nearest county to such land. If the paper designated be a daily, the notice must be published in the Wednesday issue for five consecutive weeks; if it be a weekly, in five consecutive issues; and if it be a semiweekly or tri-weekly, in any one of such issues for five consecutive weeks. The notice shall be prepared by the General Land Office and shall give the name and post office address of the applicant, the serial number and date of the application, description of the land, the nature and amount of material applied for, and the appraised price thereof. It shall also state that its purpose is to give to persons claiming any interest in the land or having bona fide objection to the disposal of the designated material, opportunity to file their protests. The register shall cause a similar notice to be kept posted in his office throughout the entire period of publication.

Proof of publication shall consist of an affidavit by the publisher giving the dates of publication and a copy of the notice as published.

261.11 Action on protests; procedure in event of sale to highest bidder. Upon receipt of a protest, the Commissioner of the General Land Office shall take appropriate action. If in any circumstances whether or not attendant upon a protest, the Commissioner shall deem it proper to order materials described herein to be disposed of at public auction or under sealed bids, publication of notice of such sale shall be at the Government's expense. If in pursuance of such an order, any materials shall be sold to a person other than the original applicant therefor, the Commissioner shall require the purchaser to pay the same fee and show the same qualifications as an original applicant, and he shall return any fee that may previously have been tendered by such original applicant.

261.12 Preparation and content of contract. If all be found regular, the General Land Office shall prepare in quadruplicate a contract in accordance with Form 4-984, and if the contract shall be for the sale of timber shall append thereto and make a part thereof the Forest Practice Rules and General Timber Contract Stipulations prescribed on Form 4-984a regarding timber sales under the act of September 27, 1944.

Every contract shall contain whatever provisions may be required by the circumstances to safeguard the rights and interests of the United States. Such contract shall also contain provisions relating to the following matters:

(a) Rights reserved. The contract shall not interfere with or prevent:

1. The prospecting, locating, developing, mining, entering, leasing, or patenting of the mineral resources under any laws or regulations applicable thereto.
2. The issuance of grazing privileges under applicable laws and regulations.
3. The use and disposal of resources other than those applied for on or in the lands under applicable laws and regulations.
4. The acquisition or granting of rights-of-way or easements under applicable laws and regulations.

5. The hunting and fishing by any person under applicable State or Federal hunting and fishing laws and regulations, but the Commissioner of the General Land Office may prohibit or restrict or he may authorize the purchaser to prohibit or restrict hunting or fishing on such parts of the lands and for such periods as he may determine to be necessary in order to prevent any substantial interference with the purposes for which this contract is issued.

(b) Roads; utility facilities. The purchaser shall not enclose roads or trails commonly used for public travel; shall protect existing telephone lines, fences, roads, trails, bridges, and other improvements, as far as possible in the operations; and shall promptly repair the damage whenever such utilities and improvements are broken, or obstructed or otherwise damaged.

(c) Assignments. The purchaser shall agree that he will not assign the contract or any interest therein without the consent of the Government; that any such assignment, if made, will contain all the terms and conditions agreed upon by the parties thereto; and that the proposed assignment will be forwarded in quadruplicate within 90 days from the date of its execution to the register of the proper district land office for transmittal to the Commissioner of the General Land Office.

(d) Lien. A lien for all payments which become due under the contract shall be reserved to the United States on all improvements, fixtures, and personal property of the purchaser on the lands and that no improvements or fixtures may be removed from the lands unless all moneys due the United States have been paid.

261.13 Offer of contract. The proposed contract will be forwarded to the register for transmittal to the applicant for execution. The contract must be executed by the applicant in quadruplicate and returned to the register with any advance payments which may be required.

261.14 Bond. The applicant shall provide with the proposed contract a bond on Form 4-982 in such amount as may be deemed necessary and having as surety thereon a commercial bonding or surety company which shall be on the approved list of the Treasury Department. When the consideration for the material shall be less than \$100.00 and shall have been fully paid and where no special circumstances shall make a bond essential to the protection of the United States' interest, no bond will be required.

261.15 Approval of contract. When all requirements shall have been fully met, the Commissioner of the General Land Office shall transmit the proposed contract to the Secretary of the Interior for approval.

261.16 Extension of time. An application for an extension of time within which to comply with the terms of the contract may be considered upon a showing by the purchaser that his delay in complying with the contract terms has been caused by circumstances over which he had no control and that the granting of an extension will not prejudice the Government's interest. However, no extension shall be granted or be effective after the cessation of hostilities as described in section 261.2.

261.17 Default; notice; expense incurred by Government chargeable to purchaser. If the purchaser shall fail to comply with any of the provisions of the contract and it becomes necessary for the United States to remove the debris or to incur other expense because of the default of the purchaser, the expense thereof shall be charged to the purchaser provided, however, that written notice shall first be given by the officer in charge that such action will be taken if the rules are not complied with within 30 days from the service of such notice.

261.18 Termination of contract; refunds. The Government may terminate a contract at the request of a purchaser if he shall make satisfactory showing that such termination will not adversely affect the public interest; that he has paid all charges due the Government thereunder; and that he has paid all wages and moneys due his employees for their operations under said contract.

If a contract is terminated because of the cessation of hostilities as provided in the Act prior to the removal of the materials authorized, a proportionate adjustment will be made.

261.19 Removal of personalty or materials upon termination of contract. Upon the expiration of a contract or the earlier termination thereof pursuant to section 261.18, the purchaser shall have the right at any time within 90 days therefrom or such extension thereof as may be granted by the Secretary of the Interior, within which to remove any materials, equipment, machinery, improvements, or other personal property placed by him on the land, and also any materials cut or prepared for removal under the terms of the contract but not previously removed, provided all moneys due the United States

shall have been paid. All such personalty and all such materials remaining on the land after the end of such period shall become the property of the United States.

261.20 Cancellation of contract. A contract may be canceled by the Secretary of the Interior if the purchaser shall fail to make any payment required thereunder or to comply with any of the provisions thereof and such default shall continue for 30 days after written notice thereof to the purchaser.

261.21 Appeals. A party aggrieved by any official action regarding his application, contract, or protest, may appeal to the Commissioner of the General Land Office and the Secretary of the Interior, pursuant to the Rules of Practice, 43 CFR, Part 221.

(Sgd) Fred W. Johnson,

Commissioner.

5-16-hmck

Approved: May 28, 1945.

(Sgd) Oscar L. Chapman,

Assistant Secretary.



100-100000

THE STATE OF TEXAS, COUNTY OF DALLAS, ss. I, the undersigned, a Notary Public in and for the State of Texas, do hereby certify that the within and foregoing is a true and correct copy of the original of the same, as the same appears from the records of the County of Dallas, State of Texas.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the County of Dallas, State of Texas, at the City of Dallas, this 1st day of January, 1900.

Notary Public in and for the State of Texas.

Witness my hand and the seal of the County of Dallas, State of Texas, at the City of Dallas, this 1st day of January, 1900.

Notary Public

Notary Public
Notary Public
Notary Public
Notary Public

Circular No. 1607

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

PART 115 - REVESTED OREGON AND CALIFORNIA
RAILROAD AND RECONVEYED COOS BAY WAGON
ROAD GRANT LANDS IN OREGON

Grazing Leases of the Revested and Reconveyed Lands	Sec. 115.139	Execution of lease.
Sec. 115.128	Statutory authority.	115.140 Rental.
115.129	Policy	115.141 Grazing of lands under lease.
115.130	Establishment of units.	115.142 Leased lands sub- ject to disposal.
115.131	Grazing leases.	115.143 Assignments.
115.132	Preference right.	115.144 Renewal of lease.
115.133	Grazing of livestock kept for domestic use.	115.145 Causes for cancella- tion of lease.
115.134	Crossing permits	115.146 Timber and other uses of land.
115.135	Application.	115.147 Protests and ap- peals.
115.136	Rights under an ap- plication.	115.148 Trespass.
115.137	Action upon applica- tion.	115.149 Regulations a part of each lease.
115.138	Offer of lease.	

AUTHORITY: Secs. 115.128 to 115.149, inclusive, issued
under sec. 4, 50 Stat. 875.

GRAZING LEASES OF THE
REVESTED AND RECONVEYED LANDS

Section 115.128 Statutory Authority. Section 4 of the Act of August 28, 1937 (50 Stat. 875) authorizes the Secretary of the Interior in his discretion to lease for grazing purposes any revested Oregon & California Railroad and reconveyed Coos Bay Wagon Road grant lands, in the State of Oregon, which may be so used without interfering with the production of timber or other purposes specified in section 1 of the Act, and to formulate rules and regulations for the use, protection, improvement and rehabilitation of such grazing lands.

115.129 Policy. Since the statutory authority for grazing on these lands subordinates such use to the primary purposes of the Act, namely, to provide a permanent source of timber supply by managing the lands in conformity with the sustained yield principle, protect watersheds, regulate streamflow, and contribute to the economic stability of local communities and industries, no lease will be issued unless the Chief Forester, Oregon and California Revested Lands Administration, hereinafter referred to as the Chief Forester, who is charged with the administration of grazing on such lands under the supervision of the Commissioner of the General Land Office, determines that grazing on the lands to be included in the lease will not interfere with the production of timber or any of the other purposes of the Act.

115.130 Establishment of units. Where practicable and desirable for the purpose of conservation and effective management of the grazing resources, the Chief Forester may divide the grant land range area into range units.

115.131 Grazing leases. When a range unit has been established and the carrying capacity determined, grazing privileges may be granted by the Chief Forester through the medium of grazing leases, not to exceed ten year's duration or for such lesser periods as may be determined by him. He may also issue such leases for grant lands outside of established units. A lease may also be issued to two or more persons who may wish to graze their stock in common.

115.132 Preference right. Applicants actually engaged in the livestock business who are owners, homesteaders, lessees or other lawful occupants of privately

owned lands contiguous to the grant lands applied for shall have a preference right to lease so much of the grant lands as may be necessary to permit proper use of the privately owned or controlled lands.

Lands suitable for grazing purposes for which there is no demand from qualified local stockowners may be leased to qualified stockowners from other localities.

115.133 Grazing of livestock kept for domestic use.

Milk and work stock owned and used by settlers or prospectors and not exceeding ten head in number may graze on the grant lands without payment of fees, when permitted in writing by the Chief Forester and under such conditions as he may prescribe.

115.134 Crossing permits. The Chief Forester may permit the transit of stock on established stock driveways or thoroughfares on such grant lands free of charge. He or his agent may grant, under such conditions and restrictions as are necessary, permission to cross allotments of other lessees, areas closed to grazing, or unleased grant lands and such permission must be obtained before such crossing occurs. In the event any damage is caused to the range, the Chief Forester will collect reasonable charges therefor.

115.135 Application. All applications for grazing leases must be filed in duplicate with the Chief Forester, Portland, Oregon, or with officers in charge of the district offices of the Administration. Application forms may be obtained from the offices referred to and only the original thereof need be sworn to. The application, Form 4-986, is attached to and made a part hereof.

115.136 Rights under an application. The filing of an application for a grazing lease will not create any right in the applicant to the use of the grant lands for grazing purposes. No right will be obtained until the lease is duly executed by the Chief Forester.

115.137 Action upon application. When an application is received in the Chief Forester's office, it will be identified by a number preceded by the letters G.L.A. which will identify it as a grazing lease application. In acting upon the application, the Chief Forester will make a determination as to the grant lands which in his opinion the applicant is entitled to lease. In making such a determination, consideration will be given to the information furnished in the application together with other available information. Where two or more persons apply for the same

lands, consideration will be given to the ownership and control of base lands, the need for additional grazing lands and to the grazing operations of the individuals involved. Conflicting applicants will be afforded an opportunity to agree to the division of the lands involved, and if an acceptable adjustment cannot be made by the conflicting parties, the Chief Forester will make the determination on the basis of all facts and award the lease.

115.138 Offer of lease. When determinations have been made as to the grant lands to be awarded and the rental to be charged therefor, the Chief Forester will prepare and forward to the applicant by registered mail, a lease, in quadruplicate, advising the applicant that he will be allowed 15 days from receipt thereof within which to sign the four copies of the proposed lease and to return them to the Chief Forester together with the amount due as the first year's rental.

115.139 Execution of lease. If within the time allowed, the applicant returns the lease forms properly signed, together with the first year's rental, the Chief Forester will date and sign the four copies and make appropriate notations on the records of his office.

115.140 Rental. Each lessee of grant lands for grazing purposes shall pay to the Chief Forester a fair annual rental, which will be determined by that officer. The charges will be consistent with those made for grazing privileges on State, Federal, and privately owned lands of similar character in the same general locality. The rental for the second and subsequent years must be paid each year on or before the anniversary date of the lease. The rental may be adjusted at the end of the third year and at the end of each three-year period thereafter.

115.141 Grazing of lands under lease. The grazing lease will be issued on Form 4-987, attached hereto, and will be subject to all conditions stated in the form and others which may be added thereto by the Chief Forester prior to its execution. All lessees will be required to graze their livestock in accordance with approved grazing practices for the region, as determined by the Chief Forester.

115.142 Leased lands subject to disposal. Land embraced in a grazing lease shall be subject to disposal by homestead entry, sale or any other manner provided by applicable laws in the event it is determined by the Secretary of the Interior that the land is more suitable for disposal than for afforestation, reforestation, streamflow protection, recreation, or other

public purposes. However, before the allowance of an entry, evidence must be furnished that the applicant has agreed to compensate the lessee for any grazing improvements placed upon the land under authority of the lease and for any special injury due to the adjustment of the lessee's business as a result of the entry but such special injury shall not be recognized as continuing for a period of more than one year. If the interested parties are unable to reach an agreement as to the amount of such compensation, the amount shall be fixed by the Chief Forester subject to the right of appeal to the Commissioner, General Land Office. All such agreements, to be effective, must be approved by the Chief Forester. The failure of the applicant to pay the lessee in accordance with the agreement shall be just cause for cancellation of the entry, selection or location. All subsequent annual rental charges will be proportionately reduced for the loss of the lands from the leasehold. Any agency of the Federal Government which needs any part or all of the leased land for a governmental use other than one described in subsection 2(c) of the lease and requests a permit, withdrawal, reservation, lease or patent shall be considered a preferred applicant within the meaning of this section.

115.143 Assignments. Proposed assignments of a lease, in whole or in part, must be submitted to the Chief Forester for approval; must be accompanied by the same showing by the assignee as is required of applicants for a lease; and must be supported by a showing that the assignee agrees to be bound by the provisions of the lease. No assignment will be recognized unless and until approved by the Chief Forester.

115.144 Renewal of lease. A lessee who desires to renew the lease should file a petition therefor, identifying the lease and setting forth wherein any change has taken place since the original application for lease was filed.

115.145 Causes for cancellation of lease. A lease may be canceled by the Chief Forester for any of the following reasons:

(a) If the lessee permits the lands to be overgrazed or uses the lands in any manner which causes range deterioration, soil erosion, or for any purposes detrimental to the lands or the livestock industry.

(b) If the lessee uses the leased premises, or any part thereof, for any purpose foreign to grazing or in violation of any terms of the lease.

(c) If the lessee shall fail to pay the annual rental, or any part thereof.

(d) If the lessee shall fail to comply with the regulations or the terms of the lease.

(e) If a preference-right lessee fails to retain ownership or control of the lands tendered as a basis for such preference right.

(f) If the lessee assigns or subleases all or any part of the leased area without obtaining the approval of the Chief Forester.

115.146 Timber and other uses of land. A lease issued for grazing purposes will not entitle the lessee to cut and remove timber from the land, or to take any other asset therefrom, or to use such land for purposes other than grazing. In order to obtain such rights or privileges, the lessee must make application therefor in accordance with the governing laws and regulations.

115.147 Protests and appeals. Protests or other objections filed against applications for grazing leases or requests for crossing permits will be considered and settled by the Chief Forester. A party aggrieved by any action of the Chief Forester may appeal to the Commissioner of the General Land Office and the Secretary of the Interior pursuant to the Rules of Practice, 43 CFR, Part 221.

115.148 Trespass. The unauthorized grazing upon or driving across any grant lands of any livestock will be considered as a trespass upon such lands and will render the owners of the stock liable to the United States for such trespass. The unlawful cutting or removal of timber or other asset, or the unlawful use of the land by the lessee will also constitute a trespass for which the person responsible will be held liable.

115.149 Regulations a part of each lease. Sections 115.128 to 115.149, inclusive, shall be considered to be a part of every grazing lease issued pursuant to the provisions of section 4 of the Act of August 28, 1937.

REGULATIONS SUPERSEDED

Sections 115.128 to 115.149, inclusive, supersede sections 115.86 to 115.93, inclusive (Circular No. 1458 of July 6, 1939).

(Sgd) Fred W. Johnson,

Commissioner.

Approved: May 29, 1945.

(Sgd) Oscar L. Chapman,

Assistant Secretary.

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office

Oregon and California Revested Lands Administration
Portland, Oregon.

APPLICATION FOR GRAZING LEASE

G.L.A. Serial No. _____

Date _____, 19____

I, the undersigned, _____ of _____
(name of applicant) (Post-office
address), hereby apply to lease for grazing purposes under section

4 of the act of August 28, 1937 (50 Stat. 875), the following-described lands:

Section _____, Township _____, Range _____, Meridian,
containing _____ acres, and in support thereof submit the following
answers to the question contained in this application:

1. Describe by legal subdivisions the lands upon which a preference right to a lease is based, the nature of the claims thereto, and the dates initiated or acquired, and when the right will expire, if it is held for a period of years.

Section _____, Township _____, Range _____, Meridian.

2. How many acres of your privately owned lands are under cultivation? _____ acres.

3. How many acres are used for grazing purposes? _____ acres.

4. State briefly your experience in the livestock industry and give two references.

5. State what interests, if any, you have in any other lease or pending application for lease under section 4 of the act approved August 28, 1937.

6. Are you a citizen of the United States? _____ By birth? _____ By naturalization? _____ (If by naturalization, evidence of such naturalization must be furnished.)

7. If not a citizen, have you filed the necessary declaration of intention to become such? _____ When? _____ Where? _____

(If the applicant is a corporation, a certified copy of the Articles of Incorporation and the minutes of the meeting authorizing the filing of the application together with an affidavit showing the citizenship of the stockholders must be furnished. If an association, a copy of the constitution and by-laws and evidence of the citizenship of each member must be submitted.)

8. Do the lands applied for contain any springs or water holes? _____ If so, describe them, giving the location by section, township, and range _____

9. Are the lands applied for occupied or used for any purpose? _____

By whom? _____

For what purpose? _____

10. Do you own or control any source of water supply needed or used for live-stock purposes? _____

Describe it _____

Where located _____

(Subdivision, section, township, and range)

11. State the number and kind of stock to be grazed on the leased lands _____, seasons of contemplated use _____, the manner in which you plan to graze the lands applied for in connection with your general operations _____

12. Have you previously used the lands covered by this application? _____ If so, for how many years and for what usual period each year? _____

13. How many stock have you grazed thereon during the average year? _____

14. Have the lands been used for grazing purposes during the last twelve months? _____. If so, by whom? _____

To what extent? _____

15. How many head of livestock do you own? _____ Cattle _____; horses _____; sheep _____; goats _____.

(Signature of applicant)

Subscribed and sworn to before me this the _____
day of _____, 19 _____,

Form 4-987

To be executed in
quadruplicate

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office

OREGON AND CALIFORNIA REVESTED LANDS ADMINISTRATION

LEASE OF LANDS FOR GRAZING LIVESTOCK

Serial _____

This indenture of lease, entered into as of _____ by and between the United States of America, hereinafter called the lessor, by the Chief Forester, Oregon and California Revested Lands Administration, and _____

(Name of

applicant)

(Post-office Address)

hereinafter called the lessee, pursuant and subject to the terms and provisions of section 4 of the act of Congress approved August 28, 1937 (50 Stat. 875).

Witnesseth:

That the lessor, in consideration of the rents to be paid and the covenants to be observed, does hereby grant and lease to the lessee the exclusive right and privilege of using for grazing purposes the following-described land. _____

containing approximately _____ acres, for a period of _____ years.

Section 1. In consideration of the foregoing, the lessee hereby agrees to:

(a) Pay the lessor as annual rental the sum of \$ _____, in advance. The rental may be adjusted at the end of the third year and at the end of each three-year period thereafter.

(b) Use the lands in a manner that will not cause overgrazing, range deterioration, or soil erosion, or be detrimental to the lands or the livestock industry.

(c) Observe the laws and regulations for the protection of game animals, game birds, and non-game birds, and not unnecessarily disturb such animals or birds.

(d) Comply with the provisions of the laws of the State with respect to the cost and maintenance of partition fences.

(e) Allow authorized representatives of the Department of the Interior at a time to enter the leased premises for the purpose of inspection, and allow Federal agents, including game wardens, at all times to enter the leased area on official business.

(f) Take all reasonable precaution to prevent and suppress forest, brush, and grass fires.

(g) Comply with all Federal and local laws regarding sanitation and take such other sanitary measures as may be necessary.

(h) Use no part of the leased premises for any purpose foreign to grazing.

(i) Retain ownership or control of any lands that have been recognized as the basis for a preference right.

Section 2. The lessor expressly reserves the right to:

(a) Permit prospecting, locating, developing, mining, entering, leasing, or patenting the mineral resources, the disposition of such resources under any laws applicable thereto, and permit the use and disposition of timber on the lands embraced in this lease, under existing laws and regulations.

(b) Close portions of the leased area to grazing whenever, because of drought, epidemic or disease, incorrect handling of the stock, overgrazing, fire, or other cause, such action is deemed necessary to restore the range to its normal condition. However, such temporary closing of any area shall not operate to exclude such area from the boundaries of the lease.

(c) Reduce the leased area if it is excessive for the number of stock owned by the lessee, or if it is determined that such area is required for the protection of camping places, sources or water supply to communities, stock driveways, roads and trails, town sites, mining claims, and for feeding grounds near villages for the use of draft animals or near the slaughtering or shipping points for use of stock to be marketed. However, a proportionate reduction will be made in the annual rental charges.

(d) Dispose of by homestead entry, sale, or any other manner provided by applicable laws, any of such leased land, which, in the judgment of the Secretary of the Interior, is more suitable for disposal than afforestation, reforestation, streamflow protection, recreation, or other public purposes, provided that before the allowance of any application therefor the applicant shall agree, subject to the approval of the Chief Forester, to compensate the lessee in accordance with the regulations, 43 CFR 115.142. Any agency of the Federal Government which needs any part or all of the leased land for a governmental use other than one described in subsection 2(c) and requests a permit, withdrawal, reservation, lease or patent shall be considered an applicant within the meaning of this subsection.

Section 3. It is further understood and agreed that:

(a) This lease is granted subject to valid existing rights and to all present and future rules and regulations of the Secretary of the Interior. Nothing herein contained shall restrict the acquisition, granting, or use of permits or rights-of-way under existing law.

(b) That the lessee shall not sell or remove for use elsewhere any timber growing on the leased land without specific authorization in advance by the Chief Forester. Such authority may be granted only for the erection and maintenance of improvements required in the operation of this lease.

(c) The lessee may construct, or maintain and utilize any fence, building, corral, reservoir, well, or other improvements needed for the exercise of the grazing privileges of this lease, but any such fence shall be so constructed as to permit ingress and egress for miners, prospectors for minerals, and other persons entitled to enter such area for lawful purposes.

(d) Upon cancellation of this lease for any reason or upon termination thereof, the Chief Forester may, in his discretion and upon a written petition filed by the lessee within 30 days from date of the cancellation or termination, require a subsequent lessee, prior to the execution of a new lease, to reimburse the former lessee a reasonable amount for any grazing improvements of a permanent nature that may have been placed upon the leased lands during the period of the lease. The decision of the Chief Forester will be subject to the right of appeal to the Commissioner of the General Land Office. As to any improvements not disposed of in the manner set forth above, the lessee will be allowed three months from the date of cancellation or termination of the lease within which to remove such improvements, but, if not removed or other disposition made within the said period, such improvements shall become the property of the United States.

(e) If the lessee shall default in the performance or observance of any of the terms, covenants, and stipulations hereof or of the general regulations now or hereafter in force, and such default shall continue 60 days after service of written notice thereof by the lessor, then the lessor may terminate and cancel this lease.

(f) The lessee shall not assign this lease or any interest therein, nor sublet any portion of the leased premises without the written consent of the Chief Forester.

(g) The leased lands shall be subject to entry for hunting and fishing by any person under applicable State or Federal hunting and fishing laws and regulations, but in any event the Chief Forester may prohibit or restrict or he may authorize the lessee to prohibit or restrict hunting or fishing on such parts of the leasehold and for such periods as he may determine to be necessary in order to prevent any substantial interference with the purpose for which the lands are leased, that is, grazing.

(h) The lessee may, on consent of the Chief Forester, first had and obtained, surrender and terminate this lease or any legal subdivision of the area included within the lease provided all rental payments due have been made.

(i) No Member of or Delegate to Congress, or Resident Commissioner, after his election or appointment, or either before or after he has qualified, and during his continuance in office, and no officer, agent or employee of the Department of the Interior, other than members of the district advisory boards, appointed in accordance with section 18 of the Taylor Grazing Act, which was added by the act of July 14, 1939 (53 Stat. 1002, 43 U.S.C. sec. 3150-1) shall be admitted to any share or part in this lease, or derive any benefit that may arise therefrom, and that the provisions of section 3741 of the Revised Statutes and sections 114, 115, and 116 of the Criminal Code, approved March 3, 1909 (35 Stat. 1109, 18 U.S.C. sec. 204), relating to the contracts, enter into and form a part of this lease so far as the same may be applicable.

It is further covenanted and agreed that each obligation hereunder shall extend to and be binding upon, and every benefit hereof shall inure to, the heirs, executors, administrators, successors, and assigns of the respective parties hereto.

IN WITNESS WHEREOF:

THE UNITED STATES OF AMERICA.

By

Chief Forester, Oregon and California
Revested Lands Administration.

Witnesses to signature of lessee:

Lessee.

Circular No. 1608

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

PART 115 - REVESTED OREGON AND CALIFORNIA RAILROAD AND
RECONVEYED COOS BAY WAGON ROAD GRANT LANDS IN OREGON

SUSTAINED YIELD UNITS AND
COOPERATIVE AGREEMENTS

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| 115.2 | Statutory authority. | 115.9 | Notice of hearings concerning forest units and cooperative agreements. |
| 115.3 | Determination of productive capacity. | 115.10 | Cooperative sustained-yield agreements. |
| 115.4 | Master units and appurtenant marketing areas. | 115.11 | Qualifications. |
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| 115.7 | Sustained-yield forest units. | 115.14 | Exchanges. |
| 115.8 | Hearings concerning forest units and cooperative agreements. | | |

AUTHORITY: Secs. 115.2 to 115.14, inclusive, issued under Act of August 28, 1937 (50 Stat. 874).

SUSTAINED YIELD UNITS AND COOPERATIVE AGREEMENTS

Section 115.2 Statutory authority. The Act of August 28, 1937 (50 Stat. 874), relates to the administration of the revested Oregon and California Railroad and the reconveyed Coos Bay Wagon Road grant lands in Oregon, both of which are hereinafter referred to as O. and C. lands. It provides that such portions of those lands now or hereafter under the jurisdiction of the Department of the Interior, which have heretofore or may hereafter be classified as timber lands, and

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SUSTAINED YIELD UNITS AND COOPERATIVE AGREEMENTS

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power-site lands valuable for timber, shall be managed, except as provided in Section 3 of the Act, for permanent forest production, and the timber thereon shall be sold, cut and removed in conformity with the principle of sustained-yield for the purpose of providing a permanent source of timber supply, protecting watersheds, regulating stream flow, and contributing to the economic stability of local communities and industries, and providing recreational facilities. Nothing contained in the Act shall be construed to interfere with the use of development of powersites as may be authorized by law.

Section 1 of the Act authorizes the Secretary of the Interior, if he determines that such action will facilitate sustained-yield management, to subdivide the revested lands into sustained-yield forest units, the boundary lines of which shall be so established that each will provide, so far as practicable, a permanent source of raw materials for the support of dependent communities and local industries of the region. The boundaries of such forest units may be established only after hearings are conducted in the vicinity of such lands.

Section 2 of the Act authorizes the Secretary to make cooperative agreements with other Federal or state administrative agencies or with private forest owners or operators for the coordinated management, with respect to time, rate, and method of cutting, and sustained-yield, of forest units comprising parts of revested or reconveyed lands, together with lands in private ownership or under the administration of other public agencies, when by such agreements he may be aided in accomplishing the purposes of the Act.

115.3 Determination of annual productive capacity. The Secretary shall determine and declare the annual productive capacity of the O. and C. lands under the principle of sustained-yield, but until such determination and declaration are made the average annual cut of timber therefrom shall be limited to one-half billion feet board measure. The lands shall be treated as a single unit for the purpose of applying the principle of sustained-yield, except that upon the establishment of one or more sustained-yield forest units in accordance with Section 115.7, hereof, each such unit shall be treated separately in the determination of its annual productive capacity and the average annual cut of timber.

115.4 Master units and appurtenant marketing areas. As a basis for studies leading to the formulation of plans for the sustained-yield forest units and cooperative agreements authorized by the Act, and in order to facilitate administration under the Act, the Secretary, after the determination and declaration of the annual sustained-yield productive capacity of the O. and C. lands, will divide the entire area of the O. and C., intermingled and contiguous lands into master units, on the basis of natural groupings of such lands related to each other by physical and economic factors, and will declare an appurtenant marketing area for each such master unit.

115.5 Hearings concerning master units. In order that the Secretary may obtain the aid and advice of interested persons and agencies, and the public may be informed as to contemplated plans, a public hearing will be held in connection with each proposed master unit. Such hearing will be held in the vicinity of the lands involved and will be open to the attendance of all interested persons,

including State and local officers and representatives of dependent industries and labor. The hearing will be conducted by a representative or representatives of the Department of the Interior designated by the Secretary.

At the conclusion of the hearing, the minutes thereof, together with appropriate recommendations, shall be forwarded to the Secretary. The Secretary will thereafter take such action as he deems appropriate and due notice thereof will be given to the public.

115.6 Notice of hearings concerning master units. Before any hearing is held in connection with a master unit, notice thereof will be published, once a week for four consecutive weeks in a newspaper of general circulation in the county or counties in which the proposed master unit and the appurtenant marketing area are situated, and once in the Federal Register. The notice may also be published in a trade paper, if in the opinion of the Commissioner of the General Land Office, such publication is desirable.

Such notice shall be approved by the Secretary and shall state (a) the time and place, within the vicinity of the lands, of the hearing; (b) the location, area and boundaries of the proposed master unit; (c) the boundaries of the marketing area to be served by the proposed master unit; (d) the time and manner in which persons who wish to submit oral or written statements for consideration at the hearing may give notice thereof; and (e) such other general information as to sustained-yield forest units and cooperative agreements which may be established or executed within the proposed master unit, the place or places where such other general information shall be available, and related matters as the Secretary may determine to be desirable.

115.7 Sustained-yield forest units. Sustained-yield forest units will be established by the Secretary within the boundaries of each master unit in such manner that each forest unit will contain sufficient forest land to furnish a sustained supply of timber to forest industries upon which a local community depends and to constitute a suitable basis for a cooperative agreement. Due consideration shall be given to established lumbering operations for the purpose of protecting dependent communities against adverse economic effects. Each forest unit shall be established so as to promote the widest distribution of the benefits of sustained-yield management to all forest owners, operators, workers and dependent communities affected thereby.

115.8 Hearings concerning sustained-yield forest units and cooperative agreements. Prior to the establishment of a sustained-yield forest unit, a public hearing shall be held in the vicinity of the lands involved, in accordance with Section 1 of the Act. Plans for the establishment of the unit and the execution of a cooperative agreement shall be considered at such hearing. The hearing will be conducted in the same manner as hearings concerning master units, as set forth in Section 115.5; hereof. The representative or representatives of the Department of the Interior who conduct the hearing will upon its conclusion make appropriate recommendations to the Secretary of the Interior concerning the establishment of the forest unit and the execution of the cooperative agreement, forwarding at the same time a copy of the minutes of the hearing. The Secretary thereafter will take such action as he deems appropriate and due notice thereof will be given to the public.

115.9 Notice of hearings concerning forest units and cooperative agreements. The provisions of Section 115.6, hereof, relative to notice of hearings concerning a master unit shall be applicable to the hearing in connection with the establishment of a sustained-yield forest unit and the execution of a cooperative agreement, except that in the case of a sustained-yield forest unit and a cooperative agreement the notice shall state (a) the time and place, within the vicinity of the lands, of the hearing; (b) the location, area and boundaries of the proposed forest unit; (c) the minimum duration of the proposed agreement; (d) the place or places where copies of the proposed agreement, applicable regulations, and other information, including the location and area of the Federal land involved, the expected rate of cutting of Federal or other timber that may be included in a cooperative agreement, and the requirements for participation in the proposed cooperative agreement, shall be available; (e) the time and manner in which persons who wish to submit oral or written statements for consideration at the hearing may give notice thereof; and (f) such other information which the Secretary may determine to be desirable.

115.10 Cooperative sustained-yield agreements. The formulation and administration of cooperative agreements shall be guided by a policy of promoting the widest distribution of the benefits obtainable under sustained-yield management, and of preventing monopoly.

A prerequisite to participation in the cooperative agreement covering a sustained-yield forest unit will be either (a) ownership of land therein upon which timber is growing in commercial quantities, or of cutover and other lands which have been restocked or are suitable primarily for the production of timber in commercial quantities, or (b) sufficient rights or interests in the timber within the unit to enable the holder of such rights or interests to fulfill the obligations involved in commitment to the agreement.

In each cooperative agreement the parties shall agree, in consideration of the benefits conferred by such agreement, that the forest management of their lands shall be conducted in such manner as may be necessary to effectuate the purposes of the Act. Each such cooperative agreement shall provide for (a) the disposition of timber from the Federal land in the forest unit to cooperating parties without competitive bidding at appraised prices, in accordance with sustained-yield management plans formulated or approved by the Secretary; (b) the time, rate, and method of cutting timber from any lands committed to such agreement; (c) the terms and conditions, but not the price, upon which private cooperating parties may sell to any person timber from their lands; (d) the terms and conditions upon which additional lands, timber, or parties may be admitted to the agreement subsequent to its original execution; (e) the protection of the reasonable interests of other owners or operators within the unit, of workers and others affected by the execution of such cooperative agreement, and of communities dependent upon the timber within such unit; and (f) such other matters as the Secretary shall determine are necessary or proper to achieve the objectives of the Act.

The provisions of a cooperative agreement, except as therein otherwise provided, shall prevail, in the administration and disposal of O. and C. timber

included in such agreement, over the regulations of the Secretary of the Interior theretofore applicable to such timber.

115.11 Qualifications. Any individual who wishes to obtain the rights of a producer under a cooperative agreement will be required to furnish satisfactory proof, prior to the execution of the agreement, that he is a citizen of the United States, or, if a partnership or association, that each member thereof is such a citizen. A corporation which wishes to become a party to such an agreement must file a certified copy of its articles of incorporation to show that it was organized under the laws of the United States or of some state, territory, or possession thereof, as well as a sworn statement setting forth the name, residence, citizenship, and amount of stock held by each of its stockholders, separately listing those of alien citizenship. A corporation organized outside of the State of Oregon must also file a certificate by the proper state official that it is authorized to do business within the State of Oregon. The Secretary, in his discretion, may require a corporate party to a cooperative agreement to furnish additional information as to the ownership of its stock and may deny participation in a cooperative agreement to a corporation, any of whose stock is owned, held, or controlled by citizens of another country.

115.12 Forms of agreement. The standard form for cooperative agreements between the United States and owners and operators of non-federal lands, heretofore approved by the Secretary of the Interior, will be made available through the Chief Forester of the O. and C. Revested Lands Administration. Changes in the form of agreement may be made by the Secretary from time to time when such changes are warranted by peculiar circumstances in a forest unit, or to reflect the experience gained from the operation of previous agreements. All such changes shall be consistent with the retention by the Secretary of the authority necessary to accomplish the objectives of the Act. Where Federal lands not under the jurisdiction of the Secretary of the Interior are involved, different forms will likewise be adopted.

115.13 Execution of agreement. The Commissioner of the General Land Office, after consideration of the minutes of the hearing of the recommendation of the hearing officer, will forward his recommendation together with the cooperative agreement signed by the other parties thereto to the Secretary. Thereafter, the Secretary will execute the agreement if he is of the opinion that it will promote the achievement of the objectives of the Act and is otherwise in the public interest. No rights shall accrue to a party under a cooperative agreement until the Secretary has executed the agreement on behalf of the United States.

115.14 Exchanges. Exchanges for the purpose of consolidating and segregating O. and C. timber lands, or which otherwise are in furtherance of the O. and C. timber management program are authorized by the Act of July 31, 1939 (53 Stat. 1144), and the regulations thereunder (43 CFR 115.94-115.113).

(Sgd) Fred W. Johnson,

Commissioner.

Approved: August 11, 1945.

(Sgd) Abe Fortas,

Acting Secretary of the Interior,

Continued in next volume, see the heading of the volume.

12-11-1914. The following are the names of the persons who have been appointed to the various committees of the Board of Directors of the University of the State of New York, for the year ending June 30, 1915. The names are given in alphabetical order of the surnames. The names of the persons who have been appointed to the various committees of the Board of Directors of the University of the State of New York, for the year ending June 30, 1915, are given in alphabetical order of the surnames. The names of the persons who have been appointed to the various committees of the Board of Directors of the University of the State of New York, for the year ending June 30, 1915, are given in alphabetical order of the surnames.

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UNITED STATES
DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE

STANDARD FORM*

COOPERATIVE AGREEMENT FOR THE MANAGEMENT OF THE _____

SUSTAINED-YIELD FOREST UNIT.

THIS AGREEMENT made this _____ day of _____, 19____, under authority of the Act of August 28, 1937 (50 Stat. 874), between the UNITED STATES OF AMERICA, acting by the Secretary of the Interior, and the parties subscribing hereto, for the cooperative administration and management of an area of forest lands known as the _____ Sustained-Yield Forest Unit.

WITNESSETH, That the parties hereto, in consideration of the mutual promises, rights and other considerations hereinafter expressed, mutually covenant and agree as follows:

Sec. 1. Definition of Terms. As used herein:

- (a) THE ACT shall mean the Act of August 28, 1937 (50 Stat. 874).
- (b) THE SECRETARY shall mean the Secretary of the Interior.
- (c) COOPERATOR shall mean any other party to the agreement.

*This form constitutes the basis for a cooperative agreement between the United States and owners of non-federal forest lands in an area deemed suitable to constitute a forest unit. Where particular circumstances warrant, changes may be made in the provisions of an agreement, but not to the extent that they diminish the authority which the Secretary must necessarily retain in order to achieve the objectives of the Act. Where federal lands not under the jurisdiction of the Secretary are included in an agreement, necessary changes will likewise be made.

- (d) PRODUCER shall mean any cooperator who has certain additional rights and duties as hereinafter set forth because, at the date of execution of this agreement, he is actively engaged in either (1) the operation of a sawmill or other primary wood-processing plant which is dependent for a major portion of its timber supply on the lands within the forest unit, and which is located within the marketing area for said forest unit, as described in Section 4, below, or (2) logging lands within the forest unit as part of an integrated operation with such a plant, whether by contract or by intercorporate relationship; or any subsequently admitted cooperator who being so engaged at the time of such admission, is accorded such status under Section 9, below.
- (e) CHIEF FORESTER shall mean the Chief Forester of the Oregon and California Lands Administration, General Land Office.
- (f) FOREST UNIT shall mean the _____ Sustained-Yield Forest Unit.
- (g) O. AND C. LANDS shall mean the revested Oregon and California Railroad and Reconveyed Coos Bay Wagon Road grant lands.
- (h) FOREST LANDS shall mean any lands within the forest unit which are suitable primarily for the production of timber in commercial quantities.
- (i) TIMBER PRODUCING CAPACITY shall mean the average annual volume of commercial timber which could be harvested from the forest property of a cooperator if it were to be managed independently under the sustained-yield principle.

Sec. 2. Statement of Policy. In order to further the purposes of the Act, the O. and C. lands have been subdivided into forest units, consisting of such lands and the intermingled federal and non-federal lands to be cooperatively managed in conformity with the sustained-yield principle so that each forest unit will be a permanent source of timber supply, protect watersheds, regulate stream flow, and contribute to the economic stability of local communities and industries. This forest unit, as described in Section 4, hereof,

has been created after giving due consideration to existing lumbering and milling operations to the extent necessary to protect dependent communities against adverse economic effects. This agreement establishes the mechanism for the coordinated administration, with respect to time, rate and method of cutting, and sustained-yield, of lands within the forest unit in order to promote the stability of local forest industries, of employment, of dependent communities, and of taxable forest wealth, to provide for a continuous and ample timber supply, and to promote a continuing market and a fair stumpage price for cooperators.

Sec. 3. Term of Agreement. This agreement shall be operative for a period of _____* years from the date hereof in order to permit the achievement of the long-range objectives of the Act, subject to the provisions hereof.

Sec. 4. Forest Unit and Marketing Areas. The exterior boundaries of this forest unit shall be as follows:

(Description)

A map showing the boundaries of the forest unit, marked Exhibit "A", is attached hereto and made a part of this agreement. The total acreage of land in the forest unit, including the O. and C. lands, and all other lands, is _____ acres. The O. and C. lands and timber committed to this agreement are set forth in a schedule, marked Exhibit "B"; other federal lands within this forest unit under the jurisdiction of the Secretary and committed by him to this agreement are described in a schedule, marked Exhibit "C"; the land and timber owned by the cooperators and committed by them to this agreement are described in a schedule, marked Exhibit "D"; the lands located within the forest unit not committed to this agreement are described in a schedule, marked

* Not less than twenty-five.

Exhibit "E"; the boundaries of the marketing area for this forest unit are shown on a map, marked Exhibit "F"; all of which exhibits are attached to and made a part of this agreement.

10 Sec. 5. Commitment of Subsequently Acquired Forest Lands. Forest lands and timber within the forest unit hereafter acquired by a cooperator, or coming under the jurisdiction of the Secretary, shall be deemed committed by the respective owners to this agreement unless otherwise provided by a written agreement between the contracting parties. Each cooperator shall notify the Chief Forester of his acquisition of any lands or timber within the forest unit subsequent to the execution hereof. The Chief Forester shall notify all parties of the description of the lands or timber added to schedules B, C, and D by virtue of this section.

10 Sec. 6. Rights of Cooperators. Each cooperator, subject to the provisions of this agreement, shall have:

(a) If a producer, the prior right to purchase timber from the lands committed hereto by the other parties to this agreement. If there be two or more such producers then such prior right to purchase shall be allocated among them in proportion to the timber producing capacity of the forest lands committed by each of them to this agreement at the date hereof; provided, that reapportionment of such prior right to purchase may be made at any time by mutual agreement of all producers in order to reflect any significant variation in the timber producing capacity of forest lands committed to this agreement by a producer because of a change in his holdings of such lands. Should any producer not exercise, in whole or in part, his right to purchase the timber allocated to him for any year within two years thereafter, then the other producers shall each have a proportionate right to purchase the timber so allocated during the fourth year.

(b) The right to dispose of timber grown on his land within his annual sustained-yield quota not purchased by any producer under Section 6(a) above, first to any other mill or primary wood-processing plant within the marketing area, and then outside of such area.

(c) The right to use any part of the road system within this forest unit for transporting timber cut from lands within the forest unit under terms and conditions agreed to by negotiation between himself and the owner of the right-of-way, or in case of failure to agree within ninety days after such negotiations have begun, under terms and conditions determined by the Chief Forester.

(d) The right, in accordance with the provisions of Section 8, below, if any part of his forest lands committed hereto will not be reached within ten years by logging operations planned in accordance with Section 11, below, to have his timber on such lands bought by a producer.

Sec. 7. Obligations of Cooperators. Each cooperator, subject to the provisions of this agreement, shall:

(a) manage his forest lands within this forest unit in accordance with the sustained-yield plan for the forest unit.

(b) dispose of his timber first to producers.

(c) if a producer, obtain all the timber required for the operation of his mill or primary wood-processing plant within the marketing area of the forest unit first from timber available from lands within the forest unit committed to this agreement, taking all merchantable timber which would be cut in the course of normal logging operations, without discrimination as to any party hereto, and then from outside of such forest unit; provided, that he may purchase timber from outside the forest unit in preference to cutting timber

from lands committed by him to this agreement.

(d) if a producer, buy, annually, in accordance with the provisions of Section 8, below; timber growing on lands committed to this agreement which are so remotely situated that they will not be reached within ten years by the logging operations planned in accordance with Section 11, below.

(e) permit the use by any other cooperator of any part of the road system within the forest unit developed by him, as provided in Section 6(c).

Sec. 8. Acquisition of Timber Remote From Logging Operations. Each producer shall purchase for each calendar year the timber described in Section 7(d), above, in an amount equivalent to his timber cutting allocation for that year from lands other than his own committed to this agreement. As an aid in the making of such purchases, the Chief Forester shall furnish to each cooperator not later than July 15 of each year a statement showing each producer's allocation for the next calendar year with respect to lands other than his own. Any cooperator wishing to sell any part of his timber which is remotely situated from logging operations as described in Section 7(d), above, shall notify each producer, not later than the following October 15, of the amount of such timber available for purchase. If a producer has not purchased, or made an agreement to purchase, his quota of timber under this section by the following January 15, the Chief Forester shall determine the fair price of any timber offered for sale under this section and remaining unbought at that time, and the producer shall then buy such additional quantities of timber, at the prices fixed therefor, as are necessary to complete his quota for the calendar year in question. If a producer purchases timber under this section in excess of such quota during any year, such excess will be credited in subsequent years on his required purchases under this section.

Sec. 9. Subsequent Admission of Additional Cooperators. Anyone who owns or controls non-federal forest property within the forest unit may become a party to this agreement with all the rights and obligations of a cooperator, and have such property committed to joint administration and management with all other forest property committed to this agreement, by serving a notice of his intention to do so together with full information as to such property upon the Chief Forester and executing a supplemental agreement to be attached to and made a part of this agreement. He shall not, however, be entitled to purchase timber from any lands committed at any time hereto without the written consent of the cooperators entitled to purchase timber under the terms of Section 6(a), above.

Sec. 10. Timber Cut Quota for Lands Committed to This Agreement. Timber in volume not to exceed million feet board measure may be removed from this forest unit during each ten year period, commencing with the date of this agreement, and pursuant to its terms, from lands committed hereto, provided, that a readjustment in the quantity to be removed may be made at the request of any party whenever the timber producing capacity of such lands is mutually redetermined.

An additional volume of timber to that stipulated may be taken from the lands committed to this agreement when necessary during periods of national emergency or to salvage timber in danger of deterioration or destruction or because changing economic conditions temporarily warrant such removal, provided that the quantity of additional timber to be removed is approved in writing by the Secretary.

The volume of timber to be cut annually will be apportioned by the Chief Forester among the forest properties committed to this agreement in the ratio

of the merchantable timber standing thereon, provided, that he may give consideration to economic operating requirements in the application of this provision, but said ratio shall in any event, be substantially achieved in each ten year period.

Sec. 11. Logging Plans. A generalized plan of logging operation will be prepared by the Chief Forester and the cooperators for all lands committed to this agreement. Each producer shall prepare detailed logging plans with respect to the time, rate, and method of cutting, and equipment, for each area in which he proposes to commence operations but such plans shall not become effective and there shall be no cutting thereunder until approved by the Chief Forester. Plans for logging operations to be undertaken on lands committed to this agreement, more than eighteen months after the execution hereof, shall be submitted six months in advance of the commencement of such operations. The Chief Forester, within ninety days of the submission of detailed logging plans by a producer shall advise him of his approval or disapproval of the plan. A cooperator may, at any time, submit amendments to the generalized or detailed logging plans but such amendments shall not become effective until approved by the Chief Forester. Upon approval, each such plan or amendment shall constitute a supplement to this agreement.

Sec. 12. Appraisal and Sale of Timber from the Forest Unit. Each contract between parties to this agreement for the sale of timber committed hereto shall be made for a period of not more than three years and at prices determined by appraisal instead of by competitive bidding. The Secretary reserves the right to issue notices of such proposed sales of timber from the O. and C. lands and other federal lands under his jurisdiction within the forest unit in such form as he considers desirable in the public interest but except as herein

otherwise provided, all other regulations relating to the sale of timber from O. and C. lands shall govern the disposition of timber from such federal lands. Each appraisal will ascertain what would be the fair market value of the stumpage in a normally competitive market. The major factors to be taken into account are:

1. The value which the lumber or other primary forest product will have when marketed or turned over to a subsidiary of the purchaser.
2. The costs which reasonably would be incurred in logging, manufacturing and marketing the product; including depreciation of equipment and machinery, taxes, insurance and administrative overhead properly allocable thereto.
3. The amount which should be allowed to the purchaser for a reasonable profit and risk.
4. The amount for which other similar stumpage has sold.

The evaluation of the above factors, based upon all available data, may be adjusted to meet trends in production costs, market values of products, or competitive conditions affecting stumpage values. If the prospective buyer and seller of non-federal timber cannot agree as to the appraisal of such timber, the Chief Forester, at the request of either, shall fix the price thereof, which shall be binding on both parties.

Sec. 13. Forest Practices. A reasonably uniform practice of forest conservation shall be followed on all lands committed to this agreement. Subject to the general rules of forest practice, as formulated in accordance with Section 5 of the Act, the Chief Forester shall determine the methods to be followed on all lands committed to this agreement; provided, that as to non-federal lands the provisions of the Oregon Forest Conservation Act, chapter 237, Oregon Laws 1941 (O.C.L.A., 1943 Supp., Secs. 107-1001 to 107-1014), or

any other Oregon statute, hereafter enacted, shall be applicable, and additional requirements as to such lands shall be based upon the mutual agreement of the producer and the Chief Forester.

A. Cutting Practices: Timber cutting practices shall be designed to fit the physical conditions of the forest area from which timber products are being removed. Systems of cutting which shall be recognized as adequate shall consist of: (1) individual tree selection cutting in which a relatively heavy residual volume of timber is left after logging; (2) clear-cutting on staggered settings of restricted size, leaving alternate settings of merchantable timber for later cut, to be taken after reproduction becomes established on the areas of initial operation; (3) clear-cutting in which sufficient seed trees are reserved to insure adequate natural restocking of the forest area; (4) clearcutting followed by seeding or planting.

B. Fire Protection: Each party shall bear the normal forest fire protection costs for the land he has committed to this agreement. Additional fire protection precautions, necessitated because of the hazard and risk which results from the woods operation will be taken by each producer on all lands within the forest unit on which he conducts logging operations. The Secretary reserves the right to require additional operating precautions to be taken by the producer on O. and C. and other federal lands from which timber has been sold to him.

C. Slash Disposal: No method of slash disposal shall be used by a co-operator which does not protect existing forest growth and afford reasonably favorable conditions for future forest reproduction; provided, that the requirements and practices of the Oregon State Board of Forestry shall be the minimum required; and provided further, that on O. and C. and other federal

lands, the producer who has purchased the timber thereon will dispose of the slash in accordance with the slash disposal requirements of the Chief Forester.

D. Insect and Disease Control: Each party to this agreement shall take necessary and reasonable measures, established by mutual determination of such party and the Chief Forester, to control insect infestation or tree disease on lands committed by him to this agreement.

E. Planting: Seed or trees shall be planted by each party on the respective areas committed by them to this agreement on which satisfactory restocking has not occurred within 7 years after the date of depletion of the timber resource; provided, that the Chief Forester may in his discretion accelerate or postpone the time of such planting.

Sec. 14. Transportation System. The transportation system on all lands committed to this agreement shall conform as to location and grade to the specifications incorporated in the generalized plan of logging operation to be cooperatively developed. Permits for logging road rights-of-way across lands committed hereto by the United States shall be issued by the Chief Forester.

Sec. 15. Marketing of Forest Products. All timber removed from lands committed to this agreement must be utilized in plants capable of processing forest products economically and without undue waste. Primary processing of all such timber shall be done in plants which are located within the marketing area shown in Exhibit "F"; provided, that timber in excess of the capacity of all the mills in the marketing area or timber best suited to a type of manufacture which demands the use of specialized equipment or peculiar resources not available within the marketing area may be shipped elsewhere for manufacture.

Sec. 16. Records and Reports. All records of a cooperator which relate to operations on the forest unit shall be made available to the Chief Forester.

Each cooperator shall furnish to the Chief Forester upon request, within three months after the end of such cooperator's business year, a copy of a certified public accountant's statement showing the results of operations and the financial condition of the cooperator's business. Each cooperator also agrees to furnish, at such times and in the manner and form prescribed by or on behalf of the Secretary, a plat showing all development work and improvements on the lands committed to this agreement by him, and other related information, with a report as to all buildings, structures, and other works upon said lands. All such information required to be furnished to the Chief Forester by this section shall be treated as confidential.

Sec. 17. Departmental Inspection. Each cooperator agrees to permit any duly authorized officer of the Department of the Interior to inspect at all reasonable times any of the lands committed to this agreement and any facilities used in connection with the operation of such lands.

Sec. 18. Prohibition against Assignment. Each producer agrees not to assign any part of his interest in this agreement without the written consent of the Secretary. Each cooperator shall notify the Chief Forester of any sale, transfer, or assignment of any part of such cooperator's interest in this agreement.

Sec. 19. Rules and Regulations. Each cooperator agrees to abide by and conform to any and all reasonable regulations of the Secretary now or hereafter in force with respect to lands under the jurisdiction of the Secretary, all of which regulations are made a part and condition of this agreement; provided, that such regulations are not inconsistent with any express and specific provisions hereof.

Sec. 20. Taxes. Each cooperator agrees to pay when due, all taxes lawfully assessed and levied against the lands committed by him to this agreement, and upon all his improvements and his production in the forest unit, or his other rights, property or assets under this agreement. Within 30 days after receiving the written request of the Chief Forester, a cooperator shall furnish to him proof that all taxes due have been paid.

Sec. 21. Employment, and Wage Practices. Each cooperator agrees, as to all forest or logging operations conducted by him on any lands committed to this agreement or as to any timber logged by him from such lands, that he shall give preference to local labor and that he shall not discriminate against any employee or applicant for employment because of race, creed, color, or national origin and shall require an identical provision to be included in all subcontracts. He further agrees to carry on all operations hereunder with due precautions for the health and safety of workmen and employees, to accord them complete freedom of purchase, and to pay all wages due them at least twice each month in cash or by check payable in the lawful money of the United States.

Sec. 22. Reservations by the United States. The United States expressly reserves: (1) all resources in, and the use of, the lands committed by it to this agreement except as to the timber thereon, and the right to dispose of such resources or uses under any laws applicable thereto; (2) the right to permit for joint or several use easements or rights-of-way, including easements in tunnels, through or appropriate to the utilization of the same or of other lands containing mineral or other resources owned by the United States, and the treatment and shipment of products thereof by or under authority of the Government, its lessees or permittees, and for other public purposes; provided, that any use of any part of the road system developed by a cooperator shall be

made only under such terms and conditions as agreed to by such cooperator and any lessees, permittees, or others operating in the forest unit under the provisions of this section, or, in case of disagreement, as set by the Chief Forester.

Sec. 23. Proof of Recordation. Each cooperator agrees to record this agreement in each county in which any of the lands committed to the agreement by him are situated and to furnish proof to the Chief Forester within 30 days after delivery of the executed agreement to him or of any revision thereof or any supplement adding lands thereto that it has been filed for recordation.

Sec. 24. Revisions. This agreement may be revised at any time upon the consent of all parties hereto.

Sec. 25. Surrender by Mutual Consent. Any cooperator may, on consent of all the parties hereto in writing, surrender and terminate his interest in this agreement upon payment of all obligations due to the United States, and upon payment of all wages and moneys due and payable to the workmen employed by such cooperator, but in no case shall such termination be effective until the cooperator shall have complied with the requirements of the Secretary for the conservation and protection of the lands owned by the United States.

Sec. 26. Cancellation Upon Default. If a cooperator shall fail to comply with the provisions of the Act, or default in the performance or observance of any of the terms, covenants, and stipulations hereof, and such default shall continue for a period of not less than 60 days after service of written notice thereof by the Chief Forester, the interest of such cooperator in this agreement may be canceled by the Secretary. Public notice of the cancellation shall be given by the Secretary to the extent and in the manner deemed suitable by him. Such right of cancellation shall not be construed to prevent the exercise

of any other legal or equitable remedy which the United States might otherwise have. A waiver of any particular cause of forfeiture shall not prevent the cancellation and forfeiture of such cooperator's interest in this agreement for any other cause of forfeiture, or for the same cause occurring at any other time.

Sec. 27. Purchase of Interest of Cooperator Upon Default. If the interest of any cooperator in this agreement should be terminated under Section 26, above, and if the Secretary should determine that it is necessary that the lands or timber of such cooperator committed to this agreement be retained under the terms thereof, then such cooperator shall sell his interests in any such lands or timber, within one year after such termination, to any other cooperator desiring to buy them. If no sale of such interests is made within said one-year period the Secretary shall issue notice for a public sale of such interests, to be held no later than six months after the expiration of the one-year period, under sealed or oral bids and at such time and place as he may specify. Any cooperator shall have a preferential right to purchase such interests by paying within sixty days after such public sale the amount of the highest bid to the seller. Pending the expiration of the foregoing periods, the cooperator whose interest has terminated under Section 26, above, shall not dispose of his interests in such lands or timber except as in this section otherwise provided.

Sec. 28. Use of Roads After Termination. Upon the termination of a cooperator's interest in this agreement, whether by surrender, cancellation or otherwise, the United States shall have the right to continue to use, in its entirety, the road system developed over all the lands committed to this agreement, and it may make such right available to anyone who may occupy a

contractual relation to it to facilitate the performance of that contract; provided, that any use made of such road system over the lands of such cooperator shall be under such terms and conditions as are agreed to by that cooperator and the prospective users, or in case of disagreement, as determined by the Chief Forester.

Sec. 29. Appeals. An appeal, as provided by the regulations of the Department of the Interior, may be taken from any decision of the Chief Forester, to the Commissioner of the General Land Office and from his decision to the Secretary.

Sec. 30. Heirs and Successors in Interest. It is further covenanted and agreed that each obligation hereunder shall extend to and be binding upon, and every benefit hereof shall inure to, the heirs, executors, administrators, successors, or assigns of the respective parties hereto.* Any subsequent encumbrance made or lien suffered by a cooperator on forest land and timber committed to this agreement shall be subject to the superior rights of the United States to have the land retained as part of the forest unit and managed under the provisions of this agreement. Should a cooperator, because of any such encumbrance or lien, lose the title to or control of any lands committed to this agreement such lands shall nevertheless continue to be subject to the provisions of this agreement. The covenants herein run with the land until this agreement terminates, and any grant, transfer, or lease of interest in any land subject hereto shall be and hereby is conditioned upon the assumption of all privileges and obligations hereunder by the grantee, transferee, lessee, or other successor in interest.

Sec. 31. Unlawful Interest. It is also further agreed that no Member of, or Delegate to Congress, or Resident Commissioner, after his election or

appointment, either before or after he has qualified, and during his continuance in office, and that no officer, agent, or employee of the Department of the Interior, shall be admitted to any share or part in this agreement or derive any benefit that may arise therefrom; and the provisions of Section 3741 of the Revised Statutes of the United States, and Sections 114, 115, and 116 of the Codification of the Penal Laws of the United States approved March 4, 1909 (35 Stat. 1109), relating to contracts, enter into and form a part of this agreement so far as the same may be applicable.

In witness whereof -

THE UNITED STATES OF AMERICA

By _____
Secretary of the Interior..

Witnesses

Cooperators

...shall either before or after he has qualified, and during his continuance in office, and that no officer, agent, or employee of the Department of the Interior, shall be admitted to any share or part in this agreement or derive any benefit therefrom, and the provisions of Section 1741 of the Revised Statutes of the United States, and Sections 1741 and 1742 of the Constitution of the United States approved March 3, 1809 (25 Stat. 1109), relating to contracts, enter into and form a part of this agreement no far as the same may be applicable. And it is further agreed that no person shall be admitted to any share or part in this agreement who is not a citizen of the United States.

In witness whereof -

THE UNITED STATES OF AMERICA

Secretary of the Interior

Witness

Circular No. 1609

UNITED STATES
DEPARTMENT OF THE INTERIORCODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIORPART 181 - PUBLIC LAND RIGHTS OF SOLDIERS AND SAILORSSPECIAL RIGHTS OF VETERANS OF WORLD WAR II
IN CONNECTION WITH THE PUBLIC LANDS

The fourth paragraph of section 181.37 is amended to read:

An honorable discharge within the meaning of the Act of September 27, 1944, shall mean (a) the separation of the veteran from the service by means of an honorable discharge or a discharge under honorable conditions, (b) the transfer of the veteran with honorable active service from such service to a reserve or retired status prior to the termination of the war or (c) the ending of the period of such veteran's war service by reason of the termination of the war, even though the veteran remains in the military or naval service.

The first sentence of section 181.40 is amended to read:

Section 4 of the Act of September 27, 1944, grants a preference right of application for a period of not less than ninety days to veterans of World War II for whose service credit is given, as explained in section 181.37, "on the revocation of any order of withdrawal" within 10 years after the date of the enactment of the Act.

(Sgd) Fred W. Johnson,

Commissioner.

Approved: November 16, 1945.

(Sgd) Oscar L. Chapman,

Assistant Secretary.

*Obsolete
See Circ. 1850*

*Superseded
by Circ.
1720*

Circular No. 1610

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

See Circ 1807

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

PART 160 - GRAZING LEASES

The following text is added to Part 160:

160.31 Leases pledged as security for loans.

(a) A lease may be pledged as security for a loan of \$500 or more from a lending agency when the loan is made for the purpose of furthering the lessee's livestock operations. Before a loan is made, the lending agency may ascertain from the General Land Office the status of the grazing lease and other pertinent information concerning the lease.

(b) Upon request of the borrower-lessee, where such extension will be in accordance with applicable law and not contrary to the public interest, the General Land Office will extend the lease for a period of ten years from the date of the loan subject to such terms and conditions as are then provided by these regulations.

(c) In case the property of the lessee which was the basis for the granting of a preference right, is acquired by the lending agency through foreclosure or otherwise, such agency or its tenants on the property, if qualified, or any person who purchases the property from such agency, if qualified, on application, shall be recognized in lieu of the lessee. If in making a sale the lending agency takes back a mortgage on the property, the agency shall be entitled to the same consideration as in the case of the original loan.

(d) Where a lending agency files in the General Land Office notice that it has made a loan and has accepted a grazing lease as security therefor, in conformity with the provisions of this section, such agency will be advised of any action taken affecting the lease.

(Sec. 15, 48 Stat. 1275, sec. 5, 49 Stat. 1978, 43 U.S.C. sec. 315m).

(Sgd) Fred W. Johnson,

Commissioner.

Approved: January 24, 1946.

(Sgd) Oscar L. Chapman,

Assistant Secretary.

Circular No. 1611

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

See Cir 1840

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS; INTERIOR

PART 192 - OIL AND GAS LEASES

Section 192.14e contained in Circular 1568a approved January 13, 1945, is amended to read as follows:

Section 192.14e Extension of five-year leases. The Act of December 22, 1943 (57 Stat. 608), extended to December 31, 1944, the term of any five-year lease expiring prior to that date, maintained in accordance with the applicable statutory requirements and regulations, to the extent that it embraces lands which on the date of the expiration of the lease are within a known geologic structure of a producing oil or gas field. The Act of September 27, 1944 (58 Stat. 755), extended to December 31, 1945, the term of any such lease expiring prior to December 31, 1945, on the same conditions. The Act of November 30, 1945 (Public Law 231, 79th Congress), further extends to December 31, 1946, the term of any five-year lease expiring prior to December 31, 1946, maintained in accordance with the applicable statutory requirements and regulations and for which no preference right to a new lease is granted by the act of July 29, 1942 (56 Stat. 726).

As the statute requires that rentals must be paid annually in advance, no lease will be considered as extended under the provisions of the Acts until rentals are paid to and including the last date of the extension period. Compliance must be made with all other statutory requirements and regulations.

(Sec. 32, 41 Stat. 450, 30 U.S.C. 189; Sec. 1, 56 Stat. 726, 30 U.S.C. 226b; Public Law 231, 79th Congress, 1st sess.)

(Sgd) Fred W. Johnson,
Commissioner.

Approved: February 5, 1946.

(Sgd) Oscar L. Chapman,

Assistant Secretary.

Circular No. 1612

Charlotte - Su
Circ. 1785
*+ Circ. 1852*UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
WashingtonCODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

SUBCHAPTER A - ALASKA

PART 69 - MINERAL LANDS; GENERAL MINING
REGULATIONS

The second paragraph of Section 69.6 is amended to read as follows:

The charge for the publication of notice of application for patent in a mining case in all districts shall not exceed the legal rates allowed by the laws of Alaska for the publication of legal notices wherein the notice is published, and in no case shall the charge exceed \$9.40 for each 10 lines of space occupied. Such charge shall be accepted as full payment for the publication for the entire period required by law.

SUBCHAPTER L - MINERAL LANDS

PART 185 - GENERAL MINING REGULATIONS

Section 185.58 is amended to read as follows:

185.58 Publication in newspaper and posting in district land office. Upon the receipt of application for mineral patent and accompanying papers, if no reason appears for rejecting the application, the register will, at the expense of the claimant (who must furnish the agreement of the publisher to hold applicant for patent alone responsible for charges of publication), publish a notice of such application for the period of 60 days in a newspaper published nearest to the claim, and will post a copy of such notice in his office for the same period. If the notice is published in a daily paper, it shall be published in the Wednesday issue for nine consecutive weeks; if weekly, in nine consecutive issues;

if semi-weekly or tri-weekly, in the issue of the same day of each week for nine consecutive weeks. In all cases the first day of issue shall be excluded in estimating the period of 60 days.

The first paragraph of Section 185.88 is amended to read as follows:

185.88 Charges not to exceed legal rates. (a) The charge for the publication of notice of application for patent in a mining case in all districts, exclusive of Alaska, shall not exceed the legal rates allowed by the laws of the several States for the publication of legal notices wherein the notice is published, and in no case shall the charge exceed \$7.50 for each 10 lines of space occupied. Such charge shall be accepted as full payment for the publication for the entire period required by law.

The two paragraphs added to Section 185.88, after the first paragraph, by Circular No. 1598, dated March 8, 1945, are revoked.

W. E. Johnson
Commissioner.

February 5, 1946

Approved provided, however, that these amendments to the regulations shall become effective on the 1st day of the month following the expiration of 60 days after the date of their publication in the Federal Register and apply only to those notices the initial copy of which is published after the effective date of these amendments.

Oscar L. Chapman
Assistant Secretary.

1764

Circular No. 1613

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

PART 257 - LEASE OR SALE OF TRACTS, NOT EXCEEDING FIVE
ACRES, FOR HOME, CABIN, CAMP, HEALTH, CONVALESCENT,
RECREATIONAL, OR BUSINESS SITES

Section 257.1 is amended by inserting in the first sentence immediately preceding the word "authorizes" the words "as amended by the act of July 14, 1945 (Public Law 146 - 79th Congress)," and by substituting for the last sentence thereof the following:

"The act applies to public lands in Alaska, and permits employees of the Department of the Interior stationed in Alaska, in the discretion of the Secretary, to purchase or lease one tract for any purpose under the act, except as a business site."

Section 257.8 is amended to read as follows:

"257.8 Occupancy; preference right of applicant; action on application. The filing of an application hereunder confers no right upon the applicant to settle upon, use, or occupy the land and all persons are cautioned not to make such settlement, and not to use or occupy the land prior to the issuance of a lease or a certificate of sale.

"Where an application is regularly filed pursuant to these regulations prior to the time the register is notified by the General Land Office that the area is under consideration for small tract classification, a preference right to lease or purchase will be accorded if the land is thereafter classified for the type of site for which application has been made.

"Applications filed subsequent to the receipt of such notice by the register shall be acted upon and disposed of in accordance with the terms of the respective classification orders."

Section 257.9 is amended to read as follows:

"257.9 Issuance of leases; delegation of authority. Leases under the small tract act will be prepared in quadruplicate on Form 4-776.

"The register will act on applications for and may issue leases upon lands, for not more than five years, which are classified for any purpose specified in the act, other than business, provided that (1) the applicant, upon the issuance of such a lease, will have only one tract under this act, and (2) in the case of nonpreference-right applications, the application covers a tract as established by the order of classification, except where the unleased part of a 10-acre subdivision does not conform to such tract. Applications to renew such leases may be acted upon by the register, and such renewal leases issued by him, for periods not exceeding five years, provided the land then is classified for such purpose. The register may approve assignments of such leases and subleases of such leased lands. All other leases, including those for business sites, and renewals thereof will be issued, and all assignments and subleases thereof approved, by the Commissioner."

Section 257.22 is amended to read as follows:

"257.22 Renewal of lease; preference rights. Upon the filing of an application for the renewal of a lease, not more than six months or less than sixty days prior to its expiration, the lessee will be accorded the preference right to a new lease, upon such terms and for such duration as may be fixed by the appropriate officer designated in section 257.9, if the terms of the lease have been complied with and it is determined that a new lease should be granted. A lessee who is entitled to a renewal lease will be accorded a preference right to purchase the land upon the expiration of the lease, if the Secretary, in his discretion, authorizes the sale of the land and an application to purchase is seasonably filed."

Section 257.23 is amended to read as follows:

"257.23 Assignment of lease; subleases of leased lands. Proposed assignments of a lease, and proposed subleases of the leased lands, in whole or in part, must be submitted, in triplicate, within 90 days from the date of execution, for approval by the appropriate officer designated in section 257.9. The proposed assignment or sublease must contain all of the terms and conditions agreed upon by the parties thereto, must be accompanied by the same showing by the assignee or sublessee as is required of applicants for a lease, and must be supported by a showing that the assignee or sublessee agrees to be bound by the provisions of the lease. No assignment or sublease will be recognized unless and until approved by the appropriate officer designated in section 257.9."

(Sgd) Joel David Wolfsohn,
Acting Commissioner,

Approved: February 27, 1946.

(Sgd) Oscar L. Chapman,
Assistant Secretary.

Circular No. 1614

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

PART 288 - GENERAL TRESPASS REGULATIONS

Paragraph (a) of Section 288.6 relating to innocent coal trespass is amended by deleting therefrom the last sentence which reads as follows: "In no event should less than 25 cents per ton be demanded in settlement."

(Sgd) Fred W. Johnson,

Commissioner.

Approved: March 25, 1946,

(Sgd) Oscar L. Chapman,

Assistant Secretary.

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THE
JOURNAL OF THE
ROYAL ANTHROPOLOGICAL INSTITUTE
OF GREAT BRITAIN AND IRELAND
VOLUME 18

1888

Part I. - January to June 1888

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THE JOURNAL OF THE
ROYAL ANTHROPOLOGICAL INSTITUTE
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THE JOURNAL OF THE

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Circular No. 1615

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

PART 191 - GENERAL REGULATIONS
APPLICABLE TO MINERAL PERMITS,
LEASES, AND LICENSES
(PARTS 192 to 198, INCLUSIVE)

Part 191 is amended by adding thereto the following:

LEASES OF MINERAL DEPOSITS (OTHER THAN OIL
AND GAS), AND LANDS CONTAINING SUCH DEPOSITS,
DEVELOPED IN CONNECTION WITH WORLD WAR II.

Section 191.16 Leasing of mineral deposits developed by
Governmental Agency to aid in the prosecution of WORLD WAR II.
Except as otherwise provided by law, any mineral deposits
(other than for oil and gas) and public lands containing such
deposits which are subject to disposition under the provisions
of any mineral leasing act, the production from which has been
used by any Federal Agency in connection with the prosecution
of World War II, may be leased to the agency controlling the
facilities using such production, or to any purchaser or lessee
of such facilities, by negotiation, or by requiring the agency,
its purchaser or lessee to meet the highest competitive bid
received under sealed bids for such lease.

(Sec. 32, 41 Stat. 450, 30 U. S. C. 189; sec. 5, 44 Stat. 302,
30 U. S. C. 275; sec. 5, 44 Stat. 1058, 30 U. S. C. 285)

(Sgd) Fred W. Johnson,

Commissioner.

Approved: April 2, 1946

(Sgd) Oscar L. Chapman,

Under Secretary.



Circular No. 1616

130848

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington 25, D. C.

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

PART 115 - REVESTED OREGON AND CALIFORNIA RAILROAD AND
RECONVEYED COOS BAY WAGON ROAD GRANT LANDS IN OREGON

The first paragraph of Section 115.104 is amended to read as follows:

115.104 Preliminary evidence required. When the report of the Chief Forester has been received and an exchange of approximately equal aggregate values has been established, the Commissioner of the General Land Office, with the approval of the Department, unless he has reason to do otherwise, will direct publication of notice of the contemplated exchange, and will require the applicant, through the Register of the District Land Office, to submit proof of publication of notice; a deed of conveyance of the offered lands, and in all cases, except as hereinafter provided, an abstract of title showing that at the date of execution of the deed valid title to the lands covered by such deed was vested in the party making the conveyance. The abstractor's certificate must show that the lands as conveyed were free from judgments or mortgage liens, pending suits, taxes, tax assessments, or other encumbrances. If such certificate does not cover taxes and tax assessments, the applicant must furnish a certificate by the proper official of the county in which the lands are situated showing that all taxes or assessments levied or assessed against the lands conveyed to the United States, or that could operate as a lien thereon, have been duly paid; whether there is a tax or assessment due on such lands or that could operate as a lien thereon but which tax or assessment is not yet payable and that there are no unredeemed tax sales and no tax deeds outstanding against such lands conveyed to the United States. Such abstract must be prepared and authenticated by an abstractor or by an abstract company acceptable to the General Land Office, and must show that the title memoranda contained therein are a full, true, and complete abstract of all matters of record or on file in the office of the recorders of deeds and in the offices of the clerks of courts of record of that jurisdiction, including all conveyances, mortgages, suits, pending suits, judgments, liens, lis pendens, or other encumbrances or instruments which are required by law to be filed with the recording officer and which

appear in the records of the offices of the clerks of courts of record affecting in any manner whatever the title to the lands to be conveyed to the United States.

Section 115.106 is amended to read as follows:

115.106 Deed of Conveyance. The deed of conveyance to the United States must be executed and acknowledged in accordance with the laws of the State, and must contain covenants of general warranty except where the grantee is prohibited by law from executing such a conveyance. The United States of America should be named as grantee and the deed should recite that it is made "for and in consideration of the exchange of certain lands, as authorized by the act of July 31, 1939 (53 Stat. 1144)." Where the deed of conveyance is by a private corporation, it should be recited in the instrument of transfer that the deed was executed pursuant to an order or by the direction of the board of directors or other governing body, and a copy of such order or direction must accompany such instrument of transfer and both should bear the impression of the corporate seal.

Section 115.109 is amended to read as follows:

115.109 Title Insurance Report or Preliminary Policy of Title Insurance. In lieu of the abstract of title required by section 115.104, the applicant may furnish a title report, preliminary policy of title insurance, or certificate of title with respect to the offered lands issued by a solvent and properly qualified title insurance company which is acceptable to the Department of the Interior. Such title report, preliminary policy, or certificate (1) shall contain a statement to the effect that, upon approval of the exchange and the recording of the deed of conveyance to the United States, the insuring company will issue a final policy of title insurance or a certificate of title, as the case may be, in an amount not less than the value of the offered lands as determined by the General Land Office, guaranteeing valid title to the offered lands in the United States as of the date such deed is recorded, and (2) shall set forth all of the conditions and stipulations of such proposed final policy or certificate. A policy of title insurance or a certificate of title when furnished must be free from conditions and stipulations not acceptable to the Department of the Interior. A certificate of title will be accepted only where the certificate is made to the Government or expressly for its benefit and where the interests of the Government will be sufficiently protected thereby. (Opinion of the Solicitor, August 14, 1934, M. 27768; Circ. 1550, May 29, 1943; 8 F.R. 7716).

The first paragraph of section 115.113 is amended to read as follows:

115.113 Action by the General Land Office. Additional Evidence Required. The publication of notice, deed of conveyance, abstract of title, title report, preliminary policy of title insurance, or certificate of title, and other evidence required of the applicant will be examined upon receipt in the General Land Office. Thereafter, the deed and abstract of title, title report, preliminary policy of title insurance, or certificate of title will be returned to the Register with appropriate instructions.

If the deed and abstract of title, title report, preliminary policy of title insurance, or certificate of title have been found to be regular and to conform with the law and regulations, and if there are no objections, the Register will transmit them to the applicant who shall thereupon affix to the deed and cancel such revenue stamps as are required by law, and record the deed in accordance with the laws of the State. The applicant shall also have the abstract of title brought down to the date of the recording of the deed, showing that at such date the title to the offered land is vested in the United States or; if a title report, preliminary policy of title insurance, or certificate of title was submitted in lieu of an abstract of title, the applicant shall obtain a final policy of title insurance or a final certificate of title from the company issuing such report, preliminary policy of title insurance or certificate of title, which policy or certificate shall be brought down to the date of recording of the deed, showing that at such date the title to the offered lands is vested in the United States. Upon submission of the recorded deed and the amended abstract of title, title insurance policy or certificate of title, if all is regular, title will be accepted to the offered lands and patent will issue for the lands selected in exchange.

(Sgd) Fred W. Johnson,

Commissioner.

Approved: April 25, 1946

(Sgd) R. R. Sayers,

Acting Assistant Secretary.

Circular No. 1617

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

*Absolute Sec.
Circ. 1845*

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

PART 147 - EXCHANGES BY STATES UNDER TAYLOR GRAZING ACT

Section 147.2 is amended to read as follows:

147.2 Lands which may be offered in exchange. Lands offered in exchange by a State may be lands owned by the State within or without the boundary of a grazing district, and the selected lands may be surveyed grazing district lands not otherwise appropriated or reserved, or unappropriated and unreserved surveyed public lands of the United States, within the same State. If, however, the selected lands are within a grazing district, the lands offered by the State in exchange must be within the same grazing district and such selected lands must lie in a reasonably compact body so as not to interfere with the administration or value of the remaining lands in the district for grazing purposes.

The Secretary of the Interior will determine whether an exchange will be allowed on an equal value or an equal area basis.

The values of both offered and selected lands will be determined by the Secretary of the Interior, consideration being given to any reservations of minerals or easements which may be made by the State or the United States.

When mineral lands are selected in an exchange based upon equal acreage, the patent will contain a reservation of all minerals to the United States, and in any exchanges based upon equal acreage, the State may offer mineral lands owned by the State, with a mineral reservation to the State.

Unsurveyed school sections within or without the boundary of a grazing district may be offered by the State in an exchange based upon equal areas, but no mineral reservations to the State may be made in such unsurveyed sections, the identification of which will be determined by protraction or otherwise, the State by such selections waiving all rights to the unsurveyed sections.

State-owned lands, as well as school sections surveyed and unsurveyed the title to which has not yet vested in the State, located within national forests, national parks and monuments, Indian or other reservations or withdrawals, may be offered as a basis for an exchange under said section 8 of the Taylor Grazing Act as amended, where the selected lands are not within a grazing district.

Section 147.4 is amended to read as follows:

147.4 Application for exchange; evidence required. A State desiring to exchange lands under the provisions of this Act should file application, in triplicate, in the district land office having jurisdiction over the selected lands, or in the General Land Office when there is no district land office within the State. Such application should describe the lands offered to the Government as well as those selected in exchange, by legal subdivisions of the public land surveys, or by entire sections, and nothing less than a legal subdivision may be surrendered or selected.

The application for exchange should identify the grazing district in which the offered or selected lands are situated, if in a grazing district, and should state whether the State desires the proposed exchange to be based upon equal values or equal acreage. In addition, the application should state whether or not any reservations of minerals, easements, or other rights of use in or to the offered lands are desired, and what use thereof is contemplated, whether the State consents to a reservation of minerals to the United States in the selected lands and what other reservations or easements which are to be made by the United States with respect to the selected lands are acceptable to the State. Each application for an exchange must be accompanied by the following certificate and affidavit:

(a) A certificate by the selecting agent showing that the selection is made under and pursuant to the laws of the State; that the lands selected and the lands relinquished are approximately of equal value (unless the exchange is proposed to be based on equal areas); that the State is the owner of the lands offered in exchange, if such is the case; that the offered lands are not the basis of another selection or exchange, and that the selected lands are unappropriated and are not occupied, claimed, improved, or cultivated by any person adversely to the State.

(b) A Corroborated affidavit relative to springs and water holes on the selected lands in accordance with the regulations in secs. 292.1 - 292.9.

Section 147.6 is amended to read as follows:

147.6 Action by General Land Office: reports. If, upon examination of the application by the General Land Office, it appears that any of the lands involved (either offered or selected) are within a grazing district, a copy of the application will be furnished the Grazing Service and that agency requested to submit an appropriate report. Should it appear necessary a field examination will be authorized.

The report by the Director of Grazing will include information as to whether there are any watering places of public value on any of the selected lands.

With respect to any application which is referred to him for investigation, the regional field examiner, if requested, will report as to the values of the offered and selected lands; whether the selected lands are occupied, improved, cultivated, or claimed by anyone adversely to the State; whether the selected lands contain minerals, timber, springs, water holes, hot or medicinal springs, or any special features which should be considered in acting on the application; and whether any proposed reservation by the State in the offered lands will affect the equality of values of the offered and selected lands.

The first sentence of section 147.8 is amended to read as follows:

When the report of the regional field examiner is received, or if no field investigation is found necessary, the Commissioner of the General Land Office, unless he has reason to do otherwise, will, with the approval of the Secretary of the Interior, issue notice for publication of the contemplated exchange, and will require the State, through the Register of the District Land Office, to submit proof of publication of notice, a duly recorded deed of conveyance of the offered lands (unless such offered lands are not owned by the State), a certificate of the proper State officer showing that the offered lands have not been sold or otherwise encumbered by the State, and a certificate by the recorder of deeds or official custodian of the records of transfers of real estate in the proper county, or by an abstractor or abstract company approved by the General Land Office, that no instrument purporting to convey or in any way encumber title to the offered land is of record or on file in his office.

The third paragraph of section 147.13 is amended to read as follows:

In case an exchange is authorized upon an equal acreage basis, should available information show that the selected lands are mineral in character, the State will be required to file its consent to the reservation to the United States of all minerals in such lands. In such exchanges, when the offered lands are mineral in character and the State holds title thereto the State may, if desired, reserve the mineral rights in such offered lands in accordance with the provisions of paragraph 2 of subsection (c) of section 8 of the Taylor Grazing Act, as amended.

(Sgd) Fred W. Johnson,

Commissioner, General Land Office.

Approved: June 20, 1946.

(Sgd) Oscar L. Chapman,

Acting Secretary of the Interior.



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Circular No. 1618
UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

CODE OF FEDERAL REGULATIONS
TITLE 32 -- NATIONAL DEFENSE

CHAPTER XXV DEPARTMENT OF THE INTERIOR,
DISPOSAL OF SURPLUS PROPERTY

Part 9000 -- Disposal of Surplus Real Property
by the General Land Office

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|---------|---|---------|---|
| 9000.01 | Purpose; controlling authority in disposal proceedings | 9000.50 | Offers based on priority of veteran, or of the spouse or children of a deceased serviceman. |
| 9000.02 | Definitions | | |
| 9000.03 | Availability of information for prospective purchasers | 9000.57 | Offers by children of deceased priority holder or serviceman |
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AUTHORITY: Regulations in this part issued under the Act of October 3, 1944 (58 Stat. 765, 50 U. S. C. App. sec. 1611 et seq.), as amended September 18, 1945 (Public Law 181, 79th Cong., 1st Sess.), SPA Regulation 1, (32 C. F. R. Part 8301) and SPA Revised Regulation 5, (32 C. F. R. Part 8305).

9000.01 Purpose; controlling authority in disposal proceedings. All proceedings with respect to surplus real property to be disposed of by the General Land Office of the Department of the Interior under the Surplus Property Act of October 3, 1944 (58 Stat. 765, 50 U. S. C. App. sec. 1611 et seq.), as amended, shall be governed by that act and by the regulations issued thereunder by the War Assets Administrator, or other authority exercising the regulatory function under section 9 (a) of that act. The purpose of this part, which shall also govern such proceedings, is to implement the regulations of the War Assets Administrator as to details not covered therein.

9000.02 Definitions. Except as indicated otherwise by the context, the following definitions apply throughout this regulation:

(a) The term "Commissioner" means the Commissioner of the General Land Office, Department of the Interior, Washington 25, D. C.

(b) The term "notice of sale" means the notice described in SPA Revised Regulation 5, 32 C. F. R. 8305.12 (c) (2), or other public notice of surplus real property available for disposal.

(c) The term "project representative" means the officer or employee named as such in the notice of sale for a specified project; his office, at the address given in the notice, is the "project office."

(d) The term "priority period" means the period of time so designated in a notice of sale, with any adjustment therein, either increase or decrease made in accordance with SPA Revised Regulation 5, 32 C. F. R. Part 8305, after the notice is issued.

(e) The term "priority offer" means an offer to purchase, as to which the offerer claims a priority, at the maximum price which may be charged the holder of such a priority, pursuant to SPA Revised Regulation 5, 32 C. F. R. 8305.12 (b) and (h).

(f) The term "sealed offer" means an offer received under seal, and marked "sealed offer," pursuant to section 9000.20 below.

(g) The term "deceased serviceman" means any person who died while in the active military or naval service of the United States on or after September 16, 1940.

9000.03. Availability of information for prospective purchasers. Information about property advertised and about the disposal procedure to be followed may be secured, after the date specified therefor in the notice of sale, from the project representative for the particular property or project. Copies of the notice of sale and of applicable regulations will be available at his office. If the project representative learns that any interested Government agency, any state or local government in the vicinity of the property, or any former owner or tenant of a former owner, claims not to have received such a notice, the project representative shall immediately deliver a copy of the notice of sale to such claimant personally, taking a receipt therefor, or by registered mail, return receipt requested, and shall forward such receipt to the Commissioner. So far as possible

originals or copies of deeds, judgments in condemnation proceedings, tax receipts, abstracts of title, and other documents relating to the title or value of the property will be deposited at the project office and upon request may be examined there by prospective purchasers. They will also be informed, upon inquiry, as to the maximum prices which may be charged various classes of priority holders, the number of priority offers received based upon each type or class of priority, and the number of sealed offers received, as to any tract in which they are interested. The steps necessary to protect priority rights of veterans, former owners, and other priority holders, and the general procedure to be followed in sale of the property, are explained in SPA Revised Regulation 5, 32 C. F. R. 8305.11 and 8305.12, and in this regulation.

9000.04 Terms of sale; subdivision of projects for disposal.

Conveyance will be by quitclaim deed for cash. The notice of sale will describe the units into which the real property in the project has been divided and, in general, sales will be made only in accordance with such subdivision. However, where it is necessary (in order to make possible the exercise of a priority of a former owner or a tenant which applies to a tract not separately described in the notice, or to make a more advantageous sale consistent with the objectives of the act), the land may be further or differently subdivided after the notice is published. If re-subdivision becomes necessary, all interested persons will be kept as fully informed as possible.

9000.05 Statements of desire to purchase. After publication of a notice of sale, any person may file with the project representative a statement of his desire to purchase a portion of the real property advertised which is neither described in the notice of sale as a separate tract nor made up of any combination of the separate tracts described in the notice, or any person may file a statement of his desire to purchase one or more appropriate units of the property if he is unable to file an offer therefor because the project representative lacks information essential to such an offer. Such a statement filed pursuant to this section shall be filed in triplicate, shall describe as definitely as possible the size and location of the tract desired, the contemplated use of the land, the price he is willing to pay for the property desired, and the priority right, if any, under the act, upon which his offer will be based. When the project representative receives notice of a re-subdivision of the property or additional information essential to an offer, any person filing such statement shall be notified and given an opportunity to file an offer, unless the property is disposed of by acceptance of a priority offer theretofore made by the holder of a priority above the priority claimed in the statement of desire to purchase.

9000.10 Protection of priority rights. A priority will be protected only if the priority holder files a priority offer during the priority period. If the project representative lacks information essential to enable the priority holder to file a priority offer, he may protect his priority by filing a statement of desire to purchase in accordance with section 9000.05, supra. Any offer from a priority holder to pay more than the maximum price applicable to his priority shall be treated as a priority offer only.

9000.11 Non-assignability of priority rights, exercise by agent only under limited conditions. Since SPA Revised Regulations 5, 32 C. F. R. 8305.11 (c) forbids assignment of a priority right, no liens nor encumbrances upon these rights can be recognized, nor can exercise by an agent be permitted except in the case of a former owner who is so situated that he cannot exercise the right in person. Any conveyance based upon a priority claim will name the priority holder as grantee.

9000.20 Preparation of offers, general. All offers, applications from state or local governments or educational or public-health institutions for discounts on property acquired for educational or public-health purposes, and applications for transfer without reimbursement where authorized, and all accompanying documents shall be made up in triplicate, each copy originally signed. Offers shall contain the following information:

(a) The name of the offerer and the mail address to which any notice of acceptance or other communications for him should be directed.

(b) The price offered.

(c) The legal description of the property for which the offer is made. If the notice of sale does not describe the property, a description in approved language for each salable tract will be procurable from the disposal officer. Unless such approved description is used, the offer may be rejected or returned for revision.

(d) The priority right claimed, if any, and the basis for such claim of priority.

(e) The amount of the deposit accompanying the offer, if one is required by this regulation. The deposit shall be in the form of a certified check, a cashier's check, or a United States postal money order, payable to the Treasurer of the United States.

Each priority offer filed shall be labeled, at the top of the first sheet and on the outside of any envelope in which it is filed, "Priority offer." Any other offers shall be filed in a sealed envelope labeled "Sealed offer." The outside of the envelope shall also bear a brief description of the property for which the offer is filed, and the name and address of the offerer. Further details as to the preparation of offers by particular classes of priority holders, and by nonpriority holders, are set out below in sections 9000.30 to 9000.70 inclusive.

9000.21 Filing offers, general. All offers shall be filed with the project representative at the address given in the notice of sale. An offer may be filed by any prospective purchaser, whether a priority holder or not, during the priority period or subsequent thereto until another offer has been accepted; but no offer filed after termination of the priority period will be considered as a priority offer except as provided in SPA Revised Regulation 5, 32 C. F. R. Part 8305. Details as to the filing of offers by particular classes of priority holders, and by nonpriority holders, are set out below in sections 9000.30 to 9000.70 inclusive.

9000.30 Offers by Federal, state or local governments. Each priority offer by a Government agency, a state or local government or instrumentality shall include any of the following requests desired to be submitted with the offer, together with the appropriate supporting information required by SPA Revised Regulation 5, 32 C. F. R. Part 8305:

(a) Request for time to secure funds or authority to complete the purchase, as provided in SPA Revised Regulation 5, 32 C. F. R. 8305.11 (d).

(b) Request for discount for benefits which will accrue to the United States from the proposed use of the property for educational purposes or public-health purposes, in accord with SPA Revised Regulation 5, 32 C. F. R. 8305.12 (h) (5) or for any other purpose which may be made the basis of a discount under applicable regulations.

(c) Request for transfer without reimbursement, stating the authority under which such transfer may be made.

(d) Request for an immediate transfer, after 10 days' notice of availability to other Government agencies, in accord with SPA Revised Regulation 5, 32 C. F. R. 8305.12 (e) (2) and (3).

9000.40 Offers by former owners; deposits to secure performance; offers by former owner cotenants. Each priority offer based upon the right of a former owner, whether exercised by him or his spouse or children after his decease, shall be accompanied by a deposit of 10% of the amount bid. Any disposal, based upon a former ownership priority, of land acquired from joint tenants or tenants in common will be of the whole tract so acquired, to those of the former owner cotenants who shall have properly exercised their priority; any cotenancy established shall be of the same type as that formerly existing. The interest of any former owner cotenant who does not exercise his priority will be divided among those who do exercise their priority as they agree among themselves, or, in the absence of such agreement, in the proportion that their former interests bear to each other. A single joint priority offer signed by all who wish to exercise their rights as former owner cotenants of a tract should be filed, if possible. Any priority offer based upon former ownership of land acquired from cotenants, must state the names of all the former cotenants, the fractional interest in the tract held by each when the tract was acquired by the United States, and whether they were joint tenants or

tenants in common. In addition, if such offer is filed by less than all the former co-tenants, it shall state the fractional interest in the land which is to be conveyed to each offeror if the offer is accepted, and whether the offerors wish to exercise their priority and share the ownership of the land with other former owner co-tenants who may exercise their priority. The purchase of real property through the exercise of the former owners' priority by one or more former owner co-tenants shall exhaust all priority rights based upon former ownership of the tract involved.

9000.50 Offers based on priority of veteran, or of the spouse or children of a deceased serviceman. Any priority offer based on the right of a veteran, whether exercised by him or by his spouse or children after his decease, or based on the right of the spouse or children of a deceased serviceman, shall:

(a) Be accompanied, if based on the right of a veteran, by a photostatic copy of the veteran's discharge or release instrument, showing all entries both on the face and on the reverse thereof, or, if the offer is made by the spouse or children of a deceased serviceman, by an affidavit stating the basis of the claim to priority.

(b) State, unless the property is classified as residential property, that the purpose thereof is to aid in the establishment or maintenance of a small business, professional, or agricultural enterprise in the ownership of one or more veterans or persons entitled to priority because of relationship to deceased veterans or deceased servicemen.

(c) Include a statement that no purchase of real property under the Surplus Property Act upon the basis of such priority right has been made by the priority holder or by any of his predecessors in the holding of such priority right, and shall list all other offers to purchase real property under the act which are based upon the same priority right, and are still pending before any disposal agency.

(d) Be accompanied by a deposit of 10% of the amount bid. However, if an offeror makes several priority offers to buy different tracts in the same project, an aggregate deposit equal to 10% of the amount of his highest offer will support all such offers, provided that each offer based in whole or in part upon a deposit madewith another offer shall identify the other offer. Ten per cent of the amount of the particular offer accepted shall be forfeited out of the supporting deposit or deposits if the offeror shall fail to perform.

9000.57 Offers by children of deceased priority holder or serviceman. Pending the appointment of a guardian, a next friend may act so far as necessary to protect a priority right which has accrued to a minor child of a deceased priority holder or serviceman. A priority offer made in whole or in part by such a minor will not be accepted unless ratified by his guardian. No priority offer based upon a right which has accrued to the child or children of a deceased priority holder or serviceman will be accepted unless it lists the names, addresses, and dates of birth of all the living

children of the decedent, whether or not all such children are parties to the offer, nor unless a satisfactory showing be made, upon request of the Commissioner, that such children as are not parties to the offer have had an opportunity to participate therein. Any conveyance to several children will be to them as tenants in common. Any purchase of real property through the exercise of a priority by one or more such children shall exhaust all priority rights of all children based upon such priority.

9000.60 Offers by owner-operators. Each priority offer by an owner-operator shall be accompanied by a deposit of 10% of the amount bid. However, if an offeror makes several priority offers to buy different tracts in the same project, an aggregate deposit equal to 10% of the amount of his highest offer will support all such offers, provided that each offer based in whole or in part upon a deposit made with another offer shall identify the other offer. Ten percent of the amount of the particular offer accepted shall be forfeited out of the supporting deposit or deposits if the offeror shall fail to perform. The offer shall include a statement that no purchase of real property under the Surplus Property Act has been made by the offeror based upon his priority as an owner-operator, and shall list all other pending offers by the same offeror to purchase real property under the act which are based upon the same priority right and which are still pending before any disposal agency. The offer shall also include a statement that, if it is accepted, the offeror will personally operate and cultivate the land to earn a livelihood rather than lease it to a tenant.

9000.65 Offers by nonprofit institutions. Any priority offer by a nonprofit institution shall state the basis of its claim to be such an institution as defined in SPA Revised Regulation 5, 32 C. F. R. 8305.2 (b) (4). It shall be accompanied by a deposit of 10% of the amount bid. Any nonprofit institution desiring to submit with an offer a request for a discount for benefits which will accrue to the United States from the proposed use of the property for educational or public-health purposes, or for any other purposes which may entitle it to a discount under the regulations, shall include the request in the offer, setting out the appropriate supporting information in accord with SPA Revised Regulation 5, 32 C. F. R. 8305.12 (h) (5).

9000.70 Offers by nonpriority holders. Any offer by a nonpriority holder shall be accompanied by a deposit of 10% of the amount bid.

9000.86 Selection by lot. When, pursuant to SPA Revised Regulation 5, 32 C. F. R. 8305.12 (k) (2) or other applicable regulation, it becomes necessary to make a selection by lot among several offerors the project representative shall hold a fair and open drawing in his office for that purpose, in the presence of two Federal employees not under the supervision of the project representative. Such drawing shall be held if practicable at 10:00 a. m. one week from the day when the priority period expires or, if the day so set would be a Sunday or a holiday, upon the next succeeding business day. If it is impracticable to hold the drawing at this time, it shall be held at a time fixed by the project representative and specified

in a notice mailed to all the offerors concerned not less than 5 nor more than 10 days in advance of the date set. At the time of such drawing, the project representative will write on cards the names of the several offerors and each of these cards shall be placed in an envelope upon which there is no distinctive or identifying mark and, after all the envelopes containing the names of the several applicants shall have been thoroughly mixed in the presence of such persons as may desire to be present, they shall be drawn by the project representative and numbered in order. The cards as numbered in accordance with such drawing shall be securely fastened to the respective offers. A report stating the order in which all offers are drawn shall be sent at once to the Commissioner.

9000.88 Acceptance. The acceptance of an offer shall be mailed to the successful offeror at the address set forth in the offer. The acceptance shall be complete upon such mailing. Before acceptance of an offer based upon the priority of an owner-operator, or if for other than residential property, upon the priority of a veteran, or of the spouse or children of a deceased serviceman, the Commissioner may require satisfactory assurance that the offer is made in aid of the purposes for which such priority rights were created, respectively, by the act. When an offer is accepted, any deposit made by an unsuccessful bidder will be returned to him, unless the deposit supports another offer still pending made by the same offeror.

9000.90 Examination of title; settlement period. The notice of acceptance will specify a reasonable period for examination of title and notice of objections by the successful offeror. The period will terminate not less than 21 days after mailing the notice of acceptance, nor less than 35 days after such mailing if the property is in Alaska; and the period may be extended upon application to the Commissioner and proper showing for the granting of such extension. During this period the project representative on request shall allow any title papers relating exclusively to the tract involved to be borrowed from his office by the successful offeror on the security of the deposit made with his offer, or in the absence of such deposit, on security to be determined by the Commissioner for the property concerned. Any objection to the title not specified in a written statement received by the Commissioner for the property concerned before the end of the examination period shall be deemed waived. If no objection is thus specified, the settlement period shall end ten days after the termination of the period for examination. If any objection is so specified, and if a notice from the Commissioner is delivered at the address of the offeror given in the offer stating that the objection is deemed in his opinion invalid or insufficient to make the title unmarketable or that the objection has been removed, the settlement period shall end ten days after such delivery. If the offeror is a Government agency, a state or a local government, the settlement period shall end at the expiration of any time allowed by the War Assets Administrator pursuant to SPA Revised Regulation 5, 32 C. F. R. 8305.11 (d), to enable the offeror to complete the acquisition of the property.

9000.93 Final payment. On or before the termination of the settlement period, the successful offeror shall pay the balance due on the purchase price by United States postal money order, certified check or cashier's check, payable to the Treasurer of the United States. In the absence of instructions to the contrary in the notice of acceptance, the payment shall be mailed to the Commissioner at the Department of the Interior, Washington 25, D. C.

9000.95 Delivery of conveyance. Upon receipt of the full amount of the purchase price, the Commissioner will at once send to the successful offeror by registered mail, a quitclaim deed for the real property. Upon request received from the successful offeror before the commencement of the settlement period the Commissioner will arrange for the project representative in charge of the project to receive the final payment and to deliver the deed.

9000.96 Title papers; incidental expenses. Any title papers relating to the land which are no longer needed by the Government, and also a certificate of compliance as required in section 23 (h) of the act, will be delivered to the purchaser with the deed. The purchaser at his own expense will have to arrange for the continuing of such title evidence to date, examination of title, documentary stamps, recordation, and all other incidental matters.

9000.97 Forfeiture of deposit in case of default. All obligation of the United States upon the sale agreement shall terminate, and the deposit supporting the offer shall be retained as liquidated damages, if the successful offeror at any time refuses to make final payment, or if his final payment is not received by the Commissioner before the end of the settlement period. The time of performance by the successful offeror is of the essence of the sale agreement. If the deposit thus forfeited for any such default was made in support of several offers, and the forfeiture reduces the amount on deposit to less than 10% of any offer still pending, such offer shall be cancelled unless the offeror promptly makes an additional deposit, in support of such pending offer, in the form required for all such deposits and in an amount equal to the difference between the remaining unforfeited deposit and 10% of the pending offer.

(Signed) FRED W. JOHNSON,

Commissioner.

Approved: June 25, 1946

(Signed) OSCAR L. CHAPMAN,

Acting Secretary of the Interior.

1155
Charles - Part 2441 245

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Land Management
Washington

Replaced by
Circ. 1825

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

PART 192 - OIL AND GAS LEASES

Part 505 of this Circ
re designated Part 165
(and 1630)
still in effect
5/27/15

Section 192.56f, 192.78 and 192.91 are amended to read as follows:

"192.56f Procedure After Discovery. An application for royalty benefits under the act of December 24, 1942 (56 Stat. 1080; 30 U. S. C., Sup. V, 223, note) by reason of any claimed discovery of a new oil or gas field or deposit shall be filed in duplicate by the lessee or his authorized agent or operator in the office of the appropriate Federal oil and gas supervisor. The supervisor shall forward the application to the Director of the Geological Survey with a report and recommendation.

"The application shall identify the lessee and operator, the serial number of the lease, the exact location of the well or wells, the name of the productive sand or zone, the depth to the top of the productive formation, the amount of productive strata penetrated, and a complete itemized production statement by days, not exceeding 30, from the date of the discovery. If the discovery is made on unitized land, as provided herein, the application should identify all leases affected.

"The claimant shall conduct such test and furnish such well data and geologic evidence as may be required by the Federal oil and gas supervisor.

"With respect to the application, the determination as to whether a new oil or gas field or deposit has been discovered and the effective date of such discovery shall be made by the Director of the Geological Survey. Subsequent to such a determination and after receipt of a report from the Bureau of Land Management on the lease, lessee, and operator, the Director of the Geological Survey may grant or reject the application as may be proper. The director shall notify the applicant and the Bureau of Land Management of the determination made and the action taken on the application. Such determination and action shall be subject to the right of appeal to the Secretary as provided in 30 CFR, Cum. Supp., 221.66."

"192.78 Action By The Bureau of Land Management. The Director of the Bureau of Land Management shall consider the application and report submitted by the Director of the Geological Survey. If no objection to the renewal of the lease appears to the Director of the

Bureau of Land Management, copies of a renewal lease, in triplicate, dated the first day of the month in which the original lease terminated, will be forwarded to the lessee for execution and return together with a satisfactory lease bond. Upon receipt of the lease forms and bond properly executed by the lessee, the Director of the Bureau of Land Management may execute the lease. After the lease is executed a copy shall be sent to the lessee."

"192.91 Action By The Bureau Of Land Management. (a) The Director of the Bureau of Land Management shall consider the application and report submitted by the Director of the Geological Survey. Except as provided in paragraph (b) of this section, if no objection to the exchange of the lease appears to the Director of the Bureau of Land Management, copies of an exchange lease in triplicate will be forwarded to the lessee through the manager for execution and return together with a satisfactory lease bond. Upon receipt of the forms and bond properly executed by the lessee, the Director of the Bureau of Land Management may execute the lease. After the lease is executed one copy shall be delivered to the lessee.

"(b) If the effect of the exchange would be to reduce the current royalty values more than 20 percent, the Director of the Bureau of Land Management will prepare a letter to the Secretary of the Interior calling attention to this feature, with a complete showing of all other facts which might be of importance in determining whether an approval of the exchange would be to the advantage of the United States, and recommending authorization of the exchange lease, if such a recommendation is deemed warranted by the Director of the Bureau of Land Management. In this case bond and lease forms will not be prepared for transmittal to the lessee through the manager until such authorization is received from the Secretary of the Interior. Upon such authorization, copies of an exchange lease in triplicate will be forwarded to the lessee through the manager for execution and return together with a satisfactory lease bond. Upon receipt of the lease forms and bond properly executed by the lessee, the Director of the Bureau of Land Management may execute the lease. After the lease is executed, one copy will be delivered to the lessee."

PART 244 - RIGHTS-OF-WAY FOR CANALS, DITCHES,
RESERVOIRS, WATER PIPE LINES, TELEPHONE AND
TELEGRAPH LINES, TRAMROADS, ROADS AND HIGHWAYS,
OIL AND GAS PIPE LINES, ETC.

Section 244.10 is amended to read as follows:

"244.10 Construction in Advance of Permit or Easement; Trespass. The Director of the Bureau of Land Management may grant authority to construct project works over and through Interior Department lands in advance of approval of a permit or easement for the right-of-way or

See Circ. 1825

site upon a satisfactory showing of the necessity for such action, if found compatible with the public interest. Applications for such authority shall be cleared with interested agencies of the Department. The applicant for such authority shall agree that such construction is done at the applicant's own risk and that the applicant will make full and prompt compliance with all requirements laid down by the Department as conditions precedent to the approval of the permit or easement. Applications for such authority should be filed with the agency of the Department of the Interior having supervision of the land involved. Such agency shall submit the record with an appropriate report and recommendation to the Director of the Bureau of Land Management.

"Any occupancy or use of the public lands without authority will subject the person occupying or using the land to prosecution and liability for trespass."

PART 245 - RIGHTS-OF-WAY OVER AND UPON
PUBLIC LANDS AND RESERVATIONS OF
THE UNITED STATES FOR ELECTRICAL
PLANTS AND TRANSMISSION LINES

Section 245.8 is amended to read as follows:

"245.8 Construction in Advance of Permit; Trespass. The Director of the Bureau of Land Management with the concurrence of the Director of the Division of Power may grant authority to construct transmission lines and other project works over and upon Interior Department lands in advance of approval of a permit or easement for the right-of-way or site upon a satisfactory showing of the necessity for such action, if found compatible with the public interest. Applications for such authority shall be cleared with interested agencies of the Department. The applicant for such authority shall agree that such construction is done at the applicant's own risk and that the applicant will make full and prompt compliance with all requirements laid down by the Department as conditions precedent to the approval of the permit or easement. Applications for such authority should be filed with the agency of the Department of the Interior having supervision of the land involved. Such agency shall submit the record with an appropriate report and recommendation to the Director of the Bureau of Land Management.

"Any occupancy or use of the public lands without authority will subject the person occupying or using the land to prosecution and liability for trespass."

Revised 10-5-11

PART 505 - LEASING OF STATE, COUNTY
OR PRIVATELY OWNED LANDS IN GRAZING
DISTRICTS

Sections 505.0, 505.3, 505.5, 505.8 and 505.9 are amended to read as follows:

"505.0 Authority. The act of June 23, 1938 (52 Stat. 1033; 43 U. S. C. 315m-1, 315m-4, inc.), commonly known as the Pierce Act, authorizes the Secretary of the Interior in his discretion to lease, at rates to be determined by him, any State, county, or privately owned lands chiefly valuable for grazing purposes and lying within the exterior boundaries of grazing districts created under the Taylor Grazing Act of June 28, 1934 (48 Stat. 1269, as amended, 43 U. S. C. 315, et seq.) when in his judgment, the leasing of such lands will promote the orderly use of the district and aid in conserving the forage resources of the public lands therein.

"Pursuant to section 161 of the Revised Statutes (5 U. S. C. 22) and section 2 of the act of June 28, 1934 (43 U. S. C. 315a), the Director of the Bureau of Land Management may approve leases under the Pierce Act on behalf of the United States in accordance with the regulations in this part. Leases so approved by the Director need not be submitted for Secretarial approval."

"505.3 Form of Lease. Leases under the Pierce Act should conform in general to the form printed in section 505.11. This form is believed adaptable for use in all of the States within which grazing districts have been established under the Taylor Grazing Act. Leases under the Pierce Act must be executed by the lessor in the manner prescribed by the laws of the State within which the lands leased are situated."

"505.5. Approval by the Director of the Bureau of Land Management. Local negotiations for leasing of lands under this act will be carried on by the regional grazer, but the lease and any renewal thereof, will not be effective until approved by the Director of the Bureau of Land Management. Upon such approval the lease should be recorded in the land records of the county in which the land is situated."

"505.8 Disposition of Receipts. All moneys received in administration of lands leased under the Pierce Act be deposited in the Treasury of the United States as provided in section 4 of that act and will be available when appropriated by the Congress for the leasing of lands. Distribution of such receipts, therefore, will not be made as provided in section 10 and 11 of the Taylor Grazing Act (48 Stat. 1273; 43 U. S. C. 315i, 315j)."

"505.9 Allocation of Funds Appropriated. Moneys received in the administration of lands leased under the Pierce Act, when appropriated by the Congress, will be allocated to the budgets of the

regional graziers for disbursement in accordance with that act and the regulations in this part. Records of disbursements thereof will be maintained under existing procedure."

The form of lease set out in 43 CFR, Cum. Supp., 505.11 is amended by striking out the words "Secretary of the Interior" and "Under Secretary of the Interior" wherever the latter words appear.

(Sgd) Fred W. Johnson,

Acting Director.

Approved: August 16, 1946.

(Sgd) C. Girard Davidson,

Assistant Secretary of the Interior.

Circular No. 1620

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Land Management
Washington

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

SUBTITLE B - PUBLIC LAND REGULATIONS

CHAPTER I - BUREAU OF LAND MANAGEMENT
SUBCHAPTER B - APPLICATIONS AND ENTRIES

PART 102 - AGRICULTURAL ENTRIES ON MINERAL LANDS

The following text is added to Part 102:

FISSIONABLE MATERIALS

Sec. 102.43 Reservation of fissionable materials in patents and conveyances. Any patents or conveyances of public lands based upon rights acquired on or after August 1, 1946, under which there might result the extraction of any uranium, thorium or other materials which are or may be determined to be peculiarly essential to the production of fissionable materials, shall contain a reservation to the United States, pursuant to the provisions of the Act of August 1, 1946 (Public Law 585, 79th Cong.), of all such materials, whether or not of commercial value, together with the right of the United States through its authorized agents or representatives at any time to enter upon the land and prospect for, mine and remove the same. (Sec. 5b, Act of August 1, 1946, Public Law 585, 79th Cong.).

SUBCHAPTER L - MINERAL LANDS

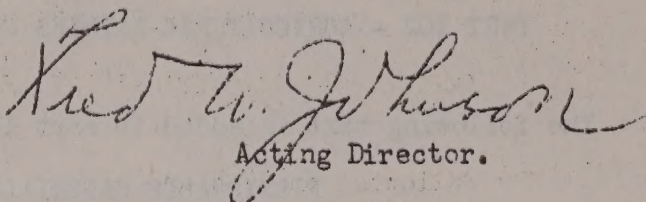
The following Part is added to Subchapter L:

PART 184 - FISSIONABLE MATERIALS

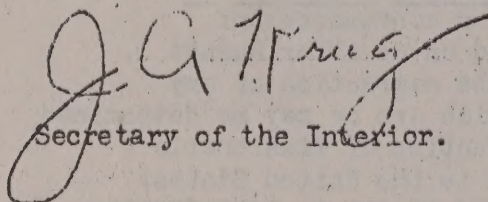
Sec. 184.1 Reservation of fissionable materials in patents, conveyances, leases, permits, etc. Any patents or conveyances of public lands based upon rights acquired on or after August 1, 1946, under which there might result the extraction of any uranium, thorium or other materials which are or may be determined to be peculiarly essential to the production of fissionable materials, shall contain a reservation to the United States, pursuant to the provisions of the Act

of August 1, 1946 (Public Law 585, 79th Cong.), of all such materials, whether or not of commercial value, together with the right of the United States through its authorized agents or representatives at any time to enter upon the land and prospect for, mine, and remove the same.

A similar reservation shall be made in all leases, permits or other authorizations granted to use the public lands or their mineral resources, of any uranium, thorium or other materials which are or may be determined to be peculiarly essential to the production of fissionable materials. (Sec. 5b, Act of August 1, 1946, Public Law 585, 79th Cong.).


Acting Director.

Approved: August 9, 1946.


Secretary of the Interior.

Circular No. 1621

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Land Management
Washington

*Obsolete -**Replaced by Circ.
1810*

CODE OF FEDERAL REGULATIONS
TITLE 43--PUBLIC LANDS: INTERIOR

PART 80--TOWN SITES

INDIAN POSSESSIONS IN TOWN SITES TOWNS
NATIVE TOWNS

Section 80.21 is amended to read as follows:

Sec. 80.21 Sale of land for which restricted deed has issued. When a native possessing a restricted deed for land in a trustee town site, issued under authority of the act of May 25, 1926 (44 Stat. 629; 48 U.S.C. 355a-355d), desires to sell the land, he and the proposed vendee should execute a contract of sale prepared for the approval of the Secretary of the Interior and send it to the General Superintendent, Alaska Native Service, Juneau, Alaska. The General Superintendent will cause a field investigation to be made, if deemed necessary, and will make a report and recommendation to the Commissioner of Indian Affairs as to the advisability of approving the proposed sale. The report and recommendation will be routed to the Commissioner of Indian Affairs through the Town Site Trustee in Alaska, for his concurrence or comment.

Upon consideration of the report and recommendations of the General Superintendent, and any comment thereon made by the Town Site Trustee, the Commissioner of Indian Affairs will submit a recommendation to the Secretary of the Interior, as to the approval or disapproval of the proposed sale, routing the recommendation to the Secretary through the Director, Bureau of Land Management for his concurrence or comment.

(Sgd) Fred W. Johnson,

Acting Director.

I concur July 29, 1946.

(Sgd) William Zimmerman,

Assistant Commissioner of Indian Affairs.

Approved: August 9, 1946.

(Sgd) C. Girard Davidson,

Assistant Secretary.

Circular No. 1622.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Washington

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

PART 199 - SAND, GRAVEL, AND OTHER NONMETALLIC MINERALS. 1/

Sec.

| | | | |
|--------|----------------------------|--------|-----------------------------------|
| 199.15 | Statutory authority. | 199.20 | Qualifications of applicant. |
| 199.16 | Lands to which applicable. | 199.21 | Filing of application. |
| 199.17 | Leasing units. | 199.22 | Form and contents of application. |
| 199.18 | Acreage limitation. | 199.23 | Term of Lease. |
| 199.19 | Royalty and rentals. | 199.24 | Bonds. |
| | | 199.25 | Form of Lease. |

AUTHORITY: Secs. 199.15 to 199.25, inclusive, issued under 44 Stat. 708.

LEASES OF SAND AND GRAVEL IN CERTAIN LANDS PATENTED TO THE STATE OF NEVADA.

Section 199.15 Statutory authority. The act of June 8, 1926 (44 Stat. 708), authorizes the Secretary of the Interior to dispose of the reserved minerals in the lands patented to the State of Nevada, under such conditions and under such rules and regulations as he may prescribe, and these regulations are promulgated for the purpose of permitting the disposal of valuable deposits of sand and gravel in such lands.

Section 199.16 Lands to which applicable. The Act applies to the lands patented to the State of Nevada which are described in the attached schedule.

Section 199.17 Leasing Units. A leasing unit in any case shall consist of such area of land as shall be determined by the Secretary of the Interior to constitute an economic working unit based upon the quantity of sand and gravel in the land, the available market for sand and gravel and such other factors as he may determine to be material.

1/ This head is substituted for the head given in the Cumulative Supplement to part 199, title 43.

Section 199.18 Acreage Limitation. In no case shall more than 2,560 acres be leased to any one person, association or corporation. Every applicant for a lease under sections 199.15 to 199.25 must show that, with the area applied for, his or its direct or indirect interests in such leases and other applications therefor, will not exceed in the aggregate 2,560 acres.

Section 199.19 Royalty and rentals. The rate of royalty will be fixed prior to the issuance of the lease, but in no case will the royalty rate be less than two per centum of the quantity or gross value of the output of the leased mineral at the point of shipment to market.

Rental for the first year must be paid prior to issuance of the lease at the rate of 25 cents per acre or fraction thereof and thereafter annually in advance at the rate of \$1 per acre or fraction of an acre, such rental to be credited against royalties accruing for the year for which paid.

Section 199.20 Qualifications of applicants. Leases may be issued to (a) citizens of the United States, (b) associations of such citizens, or (c) corporations organized under the laws of the United States or of any State or territory thereof.

Section 199.21 Filing of application. Applications must be under oath, accompanied by a filing fee of \$10 and filed in the district land office at Carson City, Nevada, addressed to the Director of the Bureau of Land Management.

Section 199.22 Form and contents of application. No specific form of application is required, but it should cover, in substance, the following points, namely:

- (a) Applicant's name and address.
- (b) Proof of citizenship of applicant; by affidavit of such fact if native born; or, if naturalized, by affidavit giving the date of naturalization, court in which naturalized, and number of certificates if known; if a corporation, by certified copy of the articles of incorporation thereof, and showing as to residence and citizenship of its stockholders.
- (c) A statement of all holdings by the applicant of leases under these regulations, pending applications therefor and interests, directly or indirectly, held in such leases.
- (d) Description of the land for which the lease is desired, by legal subdivisions, a statement as to whether the land is occupied or is being used, the nature and extent of such occupation and use and of any improvements on the land.

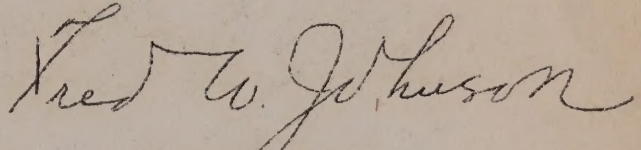
(e) Proposed method of conducting exploratory operations, amount of capital available for such operations, the diligence with which such exploration will be prosecuted, and the extent that operations are likely to interfere with any use that is being made of the land by the surface owner.

(f) Statement of the applicant's experience in operations of this nature, together with reference as to his character, reputation, and business experience.

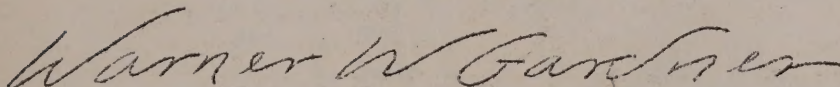
Section 199.23 Term of Lease. Leases will be issued for a period of five years subject to such special terms as may be deemed necessary in the particular case to protect the rights of the surface claimant and, in the discretion of the Secretary, may be renewed at the expiration thereof for additional periods of five years each, on such reasonable terms as he may prescribe at the time of such renewal.

Section 199.24 Bonds. The applicant will be required prior to the issuance of the lease to furnish and maintain thereafter a bond with acceptable corporate surety, or two qualified individual sureties, in the sum of \$1,000 or such other amount as may be fixed, conditioned against failure of the lessee to comply with the provisions of the lease, and for the protection of the owner of the surface estate from damages resulting from the operation of such lessee.

Section 199.25 Form of Lease. Leases will be issued on Form No. 4-988.


Acting Director.

Approved: October 23, 1946.


Acting Secretary of the Interior.

SCHEDULE OF LANDS PATENTED TO THE STATE OF NEVADA
 UNDER THE ACT OF JUNE 8, 1926 (44 STAT. 708),
 AND SUBJECT TO LEASE UNDER CIRCULAR NO. 1622.

- T. 17 N., R. 24 E., M.D.M., Nevada,
 sec. 34, $SE\frac{1}{4}$;
 sec. 35, $NW\frac{1}{4}SW\frac{1}{4}$.
- T. 9 N., R. 29 E., M.D.M.,
 sec. 5, lots 1, 2, 3, 4, 5, 6, $SW\frac{1}{4}NW\frac{1}{4}$;
 sec. 8, lots 1 and 2, $NE\frac{1}{4}NW\frac{1}{4}$;
 sec. 16, lot 2;
 sec. 21, lots 1, 2, 4, 5, 6, $SE\frac{1}{4}NW\frac{1}{4}$, $NE\frac{1}{4}SW\frac{1}{4}$, $SW\frac{1}{4}SE\frac{1}{4}$;
 sec. 22, lot 1;
 sec. 26, lots 1, 2, 3, $NW\frac{1}{4}SW\frac{1}{4}$, $SE\frac{1}{4}SW\frac{1}{4}$;
 sec. 27, lots 1, 2, 3, $NW\frac{1}{4}NW\frac{1}{4}$, $SW\frac{1}{4}NE\frac{1}{4}$;
 sec. 35, lots 1, 2, 3, 4, $SW\frac{1}{4}NE\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}$.
- T. 35 N., R. 55 E., M.D.M.,
 sec. 36, all.
- T. 14 N., R. 67 E., M.D.M.,
 sec. 27, $S\frac{1}{2}$;
 sec. 28, $S\frac{1}{2}$.
- T. 22 S., R. 61 E., M.D.M.,
 sec. 1, $SE\frac{1}{4}SE\frac{1}{4}$;
 sec. 11, $SE\frac{1}{4}NE\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}$, $SE\frac{1}{4}$;
 sec. 12, $S\frac{1}{2}NW\frac{1}{4}$, $SW\frac{1}{4}$, $E\frac{1}{2}$;
 sec. 13, all.
- T. 21 S., R. 62 E., M.D.M.,
 sec. 19, $SE\frac{1}{4}$;
 sec. 20, $S\frac{1}{2}NW\frac{1}{4}$, $SW\frac{1}{4}$;
 sec. 28, $E\frac{1}{2}NW\frac{1}{4}$, $NW\frac{1}{4}SW\frac{1}{4}$;
 sec. 29, $N\frac{1}{2}NW\frac{1}{4}$, $E\frac{1}{2}SE\frac{1}{4}$;
 sec. 31, $SE\frac{1}{4}SE\frac{1}{4}$;
 sec. 32, $S\frac{1}{2}$;
 sec. 33, $SW\frac{1}{4}$, $E\frac{1}{2}$.
- T. 22 S., R. 62 E., M.D.M.,
 sec. 1, $SW\frac{1}{4}SW\frac{1}{4}$;
 sec. 5, lots 1, 2, 3, 4, $S\frac{1}{2}N\frac{1}{2}$, $S\frac{1}{2}$;
 sec. 6, lots 1 and 7, $S\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}$;
 sec. 7, lots 1, 2, 3, 4, $E\frac{1}{2}W\frac{1}{2}$, $E\frac{1}{2}$;
 sec. 8, all;
 sec. 9, $N\frac{1}{2}$, $NE\frac{1}{4}SE\frac{1}{4}$, $S\frac{1}{2}SE\frac{1}{4}$;
 sec. 10, all;
 sec. 11, all;
 sec. 12, $W\frac{1}{2}$, $S\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}$;
 sec. 13, all;
 sec. 14, all;
 sec. 15, all;
 sec. 16, all;
 sec. 17, all;
 sec. 18, lots 1, 2, 3, 4, $E\frac{1}{2}W\frac{1}{2}$, $E\frac{1}{2}$.

- T. 23 S., R. 63 E., M.D.M.,
 sec. 11, $W\frac{1}{2}$;
 sec. 15, $E\frac{1}{2}$;
 sec. 22, $E\frac{1}{2}$.
- T. 16 S., R. 66 E., M.D.M.,
 sec. 25, $N\frac{1}{2}$;
 sec. 26, $W\frac{1}{2}NW\frac{1}{4}$, $NW\frac{1}{2}SW\frac{1}{4}$.
- T. 17 S., R. 66 E., M.D.M.;
 sec. 1, lots 1, 2, 3, 4, $S\frac{1}{2}N\frac{1}{2}$, $S\frac{1}{2}$;
 sec. 12, all;
 sec. 13, all;
 sec. 14, $E\frac{1}{2}$;
 sec. 22, $SE\frac{1}{4}$;
 sec. 23, all;
 sec. 24, all;
 sec. 26, $N\frac{1}{2}$;
 sec. 27, $NE\frac{1}{4}$.
- T. 4 S., R. 67 W., M.D.M.,
 sec. 19, $E\frac{1}{2}NW\frac{1}{4}$, $W\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}NE\frac{1}{4}$.
- T. 17 S., R. 67 E., M.D.M.,
 sec. 13, $S\frac{1}{2}$;
 sec. 19, lots 1, 2, 3, 4, $E\frac{1}{2}W\frac{1}{2}$, $E\frac{1}{2}$;
 sec. 20, all;
 sec. 21, all;
 sec. 22, all;
 sec. 23, all;
 sec. 24, $N\frac{1}{2}$;
 sec. 27, $N\frac{1}{2}$.
- T. 1 S., R. 68 E., M.D.M.,
 sec. 30, lots 1, 2, 3, 4, $E\frac{1}{2}W\frac{1}{2}$, $E\frac{1}{2}$;
 sec. 31, lots 1, 2, 3, 4, $E\frac{1}{2}W\frac{1}{2}$, $E\frac{1}{2}$.
- T. 2 S., R. 68 E., M.D.M.,
 sec. 6, lots 1, 2, 3, 4, 5, $SE\frac{1}{4}NW\frac{1}{4}$, $S\frac{1}{2}NE\frac{1}{4}$.
- T. 5 S., R. 71 E., M.D.M.,
 sec. 16, $SW\frac{1}{4}SW\frac{1}{4}$;
 sec. 17, $E\frac{1}{2}$;
 sec. 21, $N\frac{1}{2}NW\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$, $NE\frac{1}{4}SW\frac{1}{4}$, $SW\frac{1}{4}NE\frac{1}{4}$, $W\frac{1}{2}SE\frac{1}{4}$, lots 2, 3,
 containing 25,499.47 acres.

THE UNITED STATES OF AMERICA, DEPARTMENT OF THE INTERIOR

District Land Office at Carson City, Nevada
Serial No. _____MINING LEASE OF SAND AND GRAVEL UNDER THE ACT OF JUNE 8, 1926
(44 Stat. 708)

This indenture of lease, entered into, in triplicate, this _____ day of _____, 19 ____, by and between the United States of America, acting in this behalf by the Secretary of the Interior, party of the first part, hereinafter called the lessor, and _____, party of the second part, hereinafter called the lessee, under, pursuant, and subject to the terms and provisions of the Act of Congress, approved June 8, 1926 (44 Stat. 708), entitled, "An Act To authorize an exchange of lands between the United States and the State of Nevada".

Witneseth:

That the lessor, in consideration of the rents and royalties to be paid and the covenants to be observed as hereinafter set forth, does hereby grant and lease to the lessee the exclusive right and privilege to mine and dispose of all the sand and gravel in, upon, or under the following described tracts of land, situated in the State of Nevada;

containing _____ acres, more or less, together with the right to construct all such works, structures, and appliances as may be necessary for the mining and removal of the leased minerals, and, subject to the conditions herein provided, to use so much of the surface as may reasonably be required in the exercise of the rights and privileges granted for a period of five years, subject to renewal, in the discretion of the Secretary, at the expiration thereof for additional periods of five years each, on such reasonable terms as may be prescribed by the Secretary of the Interior, at the time of such renewal.

Section 1. The lessee, in consideration of the lease of the rights and privileges aforesaid, hereby agrees:

(a) To commence mining within 6 months from the date hereof and thereafter to continue mining with reasonable diligence, and, except when operations are interrupted by strikes, the elements, or casualties not attributable to the lessee, to mine and produce during the second year and each succeeding year, minerals from the leased area, to the gross value of not less than _____ dollars, or to pay royalty on said gross value if the value of production be less.

(b) To pay in advance for each acre or fraction thereof a rental of 25 cents for the first lease year and \$1.00 per acre or fraction thereof for each subsequent lease year, the rental so paid for any one lease year to be credited against royalties accruing for that year; and to pay quarterly a royalty of _____ per centum of the gross value of the minerals mined at the point of shipment to market, such royalty to be paid to the Manager of the United States land office at Carson City, Nevada, not later than 30 days after the period for which it accrues.

(c) To determine accurately the weight or quantity of all sand and gravel mined from the leased premises, to enter such weight or quantity and the value thereof in books to be kept for such purpose and to furnish a written report within 30 days after the expiration of each quarter, under oath by the superintendent of the mine, or by an agent having personal knowledge of the facts designated by the lessee for such purpose, showing the amount of minerals mined during the quarter, their character and quality, the amount of the products and by-products disposed of and prices received therefor, and the amount in storage or held for sale.

(d) To furnish and maintain a bond in the sum of \$1,000 conditioned upon compliance with the terms and provisions of this lease and the payment to the owner of the surface estate for any damage to the crops or improvements or permanent damage to the land not the result of operations necessary to the mining and removal of the minerals on the land resulting from operations under the lease.

(e) Not to assign or sublet this lease or any interest therein, without the written consent of the lessor being first had and obtained.

Section 2. The lessee also expressly agrees that:

(a) All mining and related operations shall be subject to the inspection of authorized representatives of the lessor, who may at all times enter upon the leased lands and survey and examine same and all surface and underground improvements, works, machinery, equipment, and operations.

(b) The lessor may examine all books and records pertaining to operations under this lease and make copies of and extracts from any or all of the same, if desired.

(c) At the termination of this lease as the result of forfeiture thereof, the lessee shall deliver up to the lessor the lands covered thereby, including all fixtures, machinery, improvements, and appurtenances, other than strictly personal property, situate on any of said lands, in good order and condition, so as to permit immediate continued operation to the full extent and capacity of the leased premises.

Section 3. It is further mutually understood and agreed as follows:

(a) The Lessor may, in writing, waive any breach of the covenants and conditions contained herein, but any such waiver shall extend only to the particular breach so waived and shall not limit the rights of the lessor with respect to any future breach; nor shall the waiver of a particular cause of forfeiture prevent cancellation of this lease for any other cause, or for the same cause occurring at another time.

(b) The lessee may, with the consent of the Secretary of the Interior, surrender and terminate this lease or any legal subdivision thereof, upon making adequate provision for the preservation of any mines or productive works or permanent improvements on the lands; paying all rents, royalties, and other debts due and payable to the lessor, and all wages or moneys due and payable to the workmen employed by the lessee.

(c) Upon default by the lessee in the performance or observance of any of the terms, covenants, and stipulations hereof, or the general regulations promulgated and in force at date hereof, the lessor may cancel the lease after notice to the lessee and opportunity to be heard, but this provision shall not be so construed as to deprive the lessor of any other legal or equitable remedy which he might otherwise have.

Section 4. This lease is made subject to the following provision, which the lessee accepts and covenants faithfully to perform and observe, unless the laws of the State of Nevada otherwise provide, in which case such State laws control.

The lessee shall carry out and observe regulations prescribed by the Secretary of the Interior and in force at the date hereof relative to (1) reasonable diligence, skill, and care in the operation of the leased property in accordance with approved methods and practices, (2) the prevention of waste, and (3) the safety and welfare of miners. Should the lessee fail to take prompt and necessary steps to prevent loss or damage to the mine, property, or premises, or danger to the employees, the lessor may enter on the premises and take such measures as may be deemed necessary to prevent such loss or damage or to correct the dangerous or unsafe condition of the mine or works thereof, which shall be at the expense of the lessee.

Section 5. Each obligation hereunder shall extend to and be binding upon, and every benefit hereof shall inure to, the heirs, executors, administrators, successors, or assigns of the respective parties hereto.

Section 6. The lessee also agrees that no Member of or Delegate to Congress, or Resident Commissioner, after his election or appointment, and either before or after he has qualified, and during his continuance in office, and no officer, agent, or employee of the Department of the Interior, shall be admitted to any share or part in this lease, or derive any benefit that may arise therefrom, and the provisions of section 3741 of the Revised Statutes of the United States and sections 114, 115, and 116 of the Criminal Code, Act of March 4, 1909 (35 Stat. 1109, 18 U.S.C. 204, 205, 206) relating to contracts, enter into and form a part of this lease so far as the same may be applicable.

In witness whereof

THE UNITED STATES OF AMERICA,

By _____
Secretary of the Interior, Lessor

Lessee.

Witnesses:

*Absolute - See
Circ. 1787*

See 1623a

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Land Management
Washington

CODE OF FEDERAL REGULATIONS

TITLE 43 - PUBLIC LANDS: INTERIOR

PART 191 - GENERAL REGULATIONS
APPLICABLE TO MINERAL PERMITS,
LEASES AND LICENSES
(PARTS 192 TO 198, INCLUSIVE)

GENERAL PROVISIONS

- Sec.
- 191.1 Purpose of the leasing acts.
- 191.2 Lands and deposits to which mineral leasing act does not apply.
- 191.3 Who may hold leases and permits.
- 191.4 Rights of aliens.
- 191.5 Reserved or segregated lands.
- 191.6 Special stipulations for lands in national forests and reclamation projects.
- 191.7 Multiple development, or other disposition, of land.
- 191.8 Interests held in common.
- 191.9 Survey of lands for leasing.
- 191.10 Simultaneous applications for lease.
- 191.11 Filing fees.
- 191.12 Disposition of fees.
- 191.13 Payments of rentals and royalties.
- 191.14 Bonds with individual sureties.

ROYALTY AND RENTAL RELIEF - SUSPENSION
OF OPERATIONS AND PRODUCTION

- Sec.
- 191.25 Waiver, suspension, or reduction of rental or minimum royalty or reduction of royalty on coal, oil and gas leases.
- 191.26 Suspension of operations and production and suspension of rental payments.
- 191.27 Applicability of relief.

LEASING OF MINERALS DEVELOPED BY
GOVERNMENTAL AGENCY TO AID IN
PROSECUTING WORLD WAR II.

- 191.40 Leases to Governmental agency or its assigns. Authority: Sections 191.1 to 191.27, inclusive and section 191.40 issued under 41 Stat. 450, 44 Stat. 302, 44 Stat. 1058, 30 U.S.C., 189, 275, 285, Act of August 8, 1946 (Public Law No. 696, 79th Congress).

GENERAL PROVISIONS

The following text is substituted for Part 191:

191.1 Purpose of the leasing acts. The act of February 25, 1920 (41 Stat. 437; 30 U.S.C. sec. 181), as amended and supplemented, including the amendatory act of August 8, 1946 (Public Law 696, 79th Congress); the act of February 7, 1927 (44 Stat. 1057; 30 U.S.C. 281-287) and the act of April 17, 1926 (44 Stat. 301; 30 U.S.C. 271-276) as amended, hereinafter called "the act," provide for the leasing of oil and gas, coal, potassium, sodium, phosphate and oil shale and lands containing such deposits owned by the United States in the public domain and deposits of sulphur and the public lands containing such deposits in the States of Louisiana and New Mexico, except as stated in Section 191.2 hereof.^{1/}

^{1/} Coal deposits in Alaska are not covered by these acts but may be disposed of under the act of October 20, 1914 (38 Stat. 742, 48 U.S.C. 434), as amended by the act of March 4, 1921 (41 Stat. 1363, 48 U.S.C. 444), relating solely to Alaska, and the regulations in section 70.2-70.29 of this Title.

191.2 Lands and deposits to which mineral leasing act does not apply. The mineral leasing act does not apply (1) to lands containing the mineral deposits named in section 191.1 hereof where such lands are situated in (a) national parks and monuments; (b) Indian reservations; (c) incorporated cities, towns and villages, or (d) Naval petroleum and oil shale reserves; nor (2) to lands acquired under the act of March 1, 1911 (36 Stat. 961; 16 U.S.C. 513-519) known as the Appalachian Forest Reserve Act, or other acquired lands.

191.3 Who may hold leases and permits. Mineral prospecting permits and mineral leases may be issued only to (a) citizens of the United States; (b) associations of such citizens; (c) corporations organized under the laws of the United States or of any State or Territory thereof; or (d) in the case of coal, oil, oil shale, or gas, municipalities.

191.4 Rights of aliens. Aliens may not acquire or hold any direct or indirect interest in permits or leases, except that they may own stock in corporations holding permits or leases, if the laws of their country do not deny similar or like privileges to citizens of the United States. A corporate applicant must make a full disclosure of the residence and citizenship of its stockholders. In case any of the stock of the corporation is held by aliens, a showing is required giving, to the extent reasonably ascertainable, the name, the country to which each owes allegiance and the amount of stock held by each. If any appreciable percentage of its stock is held by aliens of the excepted class, its application will be denied.

191.5 Reserved or segregated lands. With respect to lands embraced in a reservation or segregated for any particular purpose the lessee shall conduct operations in conformity with such requirements as may be made by the Director, Bureau of Land Management, for the protection and use of the land for the purpose for which it was reserved or segregated, so far as may be consistent with the use of the land for the purpose of the lease, which latter shall be regarded as the dominant use unless otherwise provided or separately stipulated.

191.6 Special stipulations for lands in national forests and reclamation projects. Applicants for permits, leases and licenses for lands in national forests will be required to consent to the inclusion therein of the stipulation on Form 4-216 relating to camp sites. Where the land has been withdrawn for reclamation purposes the applicant may be required to consent to the inclusion of a stipulation on Form 4-467 if the lands are potentially irrigable, or Form 4-467(a) if the lands are within the flow limits of a reservoir site, or Form 4-467(b) if the lands are within the drainage area of a constructed reservoir. Other conditions may be imposed, if deemed necessary, to protect the lands withdrawn for reclamation purposes.

191.7 Multiple development, or other disposition of land. The granting of a permit or lease for the prospecting, development or production of deposits of any one mineral will not preclude the issuance of other permits or leases for the same land for deposits of other minerals with suitable stipulations for simultaneous operation, nor the allowance of applicable entries, locations, or selections of the leased lands with a reservation of the mineral deposits to the United States.

191.8 Interests held in common. An association shall not be deemed to exist between the parties to a contract for development of leased lands, whether or not coupled with an interest in the lease, nor between co-lessees, but each party to any such contract or each co-lessee will be charged with his proportionate interest in the lease. No holding of acreage in common in excess of the maximum acreage

specified in the law for any one lessee or permittee for the particular mineral deposit so held will be permitted.

191.9 Survey of lands for leasing. Before a lease will issue for unsurveyed lands containing phosphates, oil shale, sodium or potassium the lands involved must be surveyed by the Government at the expense of the applicant for lease. To secure such a survey, the applicant must obtain from the appropriate regional cadastral engineer an estimate of the cost of the survey and deposit with him the estimated amount. After the survey has been accepted and the plat filed in the district land office the application will be adjusted to the resulting subdivisions and the cost of the survey will be ascertained by prorating the total cost of surveying the township to the area to be leased. The amount thus ascertained will be credited to the appropriation for surveying the public lands and the balance of the deposit, if any, returned to the depositor or his authorized representative.

191.10 Simultaneous applications for lease. Where applications received by mail or filed over the counter at the same time are in conflict the right of priority of filing will be determined by public drawing in the manner provided in section 295.8(d) of this title. Notice of the conflict and of the date and hour of the drawing shall be mailed to each applicant five days prior to such date and the manager will post notice showing the date and hour of the drawing in a conspicuous place in his office for a period of five days prior to such date.

191.11 Filing fees. All applications for prospecting permits, leases, or licenses under the act must be accompanied by a minimum filing fee of \$10 for each application embracing not more than 800 acres, and an additional fee of \$2 for each 160 acres or fraction thereof over 800 acres, but where under the rule of approximation the application includes more than 2,560 acres, no additional fee is required for the acreage in excess of 2,560 acres.

191.12 Disposition of fees. Filing fees paid under the act will be applied as earned by the manager of the district land office immediately upon a determination that the lands are subject to lease, permit or other right. If the lands are not subject to the application the fees will be returned, except those paid with applications for coal leases, permits or licenses which will be returned only after the applicant has furnished an affidavit stating that he has not mined any coal from the land embraced in the rejected application for which payment has not been made or that fact has been otherwise determined.

191.13 Payments of rentals and royalties. Rentals and royalties under all leases and permits issued under the act shall be paid to the manager of the district land office for the land district in which the leased lands are situated. In States where there are no district land offices such payments shall be filed with the Director, Bureau of Land Management. All remittances shall be made payable to the Treasurer of the United States and shall be accompanied by a letter of transmittal on Form 4-974 (oil and gas) or Form 4-976 (coal, potash, etc.). The transmittal letter shall be in triplicate and shall be completely filled out and signed by the payer.

191.14 Bonds with individual sureties. Where surety bonds are tendered with individuals as sureties they must be executed by not less than two qualified individual sureties to cover compliance with all terms and conditions of the lease or permit or the applicable law or regulations. Each surety must execute a statement showing that he is worth in real property not exempt from execution, double the

sum specified in the undertaking, over and above his just debts and liabilities and that he is either a resident of the same State and the United States Judicial District as the principal on the bond, or of the State and the Judicial District in which the lands involved are located. There also must be furnished a certificate by a judge or clerk of a court of record, a United States attorney, a United States Commissioner, or a United States postmaster, as to the identity, signature, and financial competency of the sureties. All bonds furnished with individual sureties will be examined every two years, or at any other time when found advisable, and the principal on the bond will be required to furnish new statements of justification by the sureties and a new certificate of financial competency, and if such sureties are unable to qualify additional security will be required. The statement of justification required to be furnished by the sureties, and the certificate of competency should be on Form 4-215.

ROYALTY AND RENTAL RELIEF - SUSPENSION OF OPERATIONS AND PRODUCTION

191.25 Waiver, suspension, or reduction of rental or minimum royalty or reduction of royalty on coal, oil and gas leases. In order to encourage the greatest ultimate recovery of coal, oil, or gas and in the interest of conservation, the Secretary of the Interior whenever he determines it necessary to promote development or finds that the leases cannot be successfully operated under the terms provided therein may waive, suspend, or reduce the rental or minimum royalty or reduce the royalty on an entire leasehold, or on any deposit, tract, or portion thereof segregated for royalty purposes.

An application for any of the above benefits shall be filed in triplicate in the office of the oil and gas supervisor for oil and gas leases or the office of the mining supervisor for coal leases. It must contain the serial number of the leases, the land district, the name of the record title holder and operator or sublessee and the description of the lands by legal subdivision.

Each application involving oil or gas shall show the number, location, and status of each well that has been drilled, a tabulated statement for each month covering a period of not less than six months prior to the date of filing the application of the aggregate amount of oil or gas subject to royalty computed in accordance with the oil and gas operating regulations, the number of wells counted as producing each month, and the average production per well per day.

Each application involving coal shall show the number and location of each mine, a map showing the extent of the underground mining operations, a tabulated statement of the coal mined and subject to royalty for each month covering a period of not less than 12 months next prior to the date of filing of the application, and the average production per day mined for each month.

Every application must contain a detailed statement of expenses and costs of operating the entire lease, the income from the sale of any leased products, and all facts tending to show whether the wells or mines can be successfully operated upon the royalty or rental fixed in the lease. Where the application is for a reduction in royalty full information shall be furnished as to whether royalties or payments out of production are paid to others than the United States, the amounts so paid and efforts made to reduce them. The applicant must also file agreements of the holders of the lease and of the royalty holders to a permanent

reduction of all other royalties from the leasehold to an aggregate not in excess of one-half the Government royalties.

191.26 Suspension of operations and production and suspension of rental payments. When the Secretary of the Interior in the interest of conservation directs or assents to the suspension of all operations and production on any lease issued under the act no payment of acreage rental or minimum royalty prescribed in the lease is required during such period of suspension. Any such suspension if granted shall be effective beginning with the first day of the lease month following the date of filing of written application for such suspension in triplicate in the office of the oil and gas supervisor for oil and gas leases and the mining supervisor for all other mineral leases, and ending with the first day of the lease month in which relief is terminated in writing by the Secretary of the Interior or the respective supervisor. Where rentals have been paid in advance proper credit will be allowed on the next rental or royalty payment due under the lease. Complete information must be furnished showing the necessity for suspension of operation and production in the interest of conservation.

As to oil and gas leases, no suspension of operations and production and consequent suspension of rentals will be granted on any lease in the absence of a well capable of production on the leasehold except where the Secretary directs a suspension of operations in the interest of conservation.

The term of a lease shall be extended by adding thereto any period of suspension of operations and production assented to or directed by the Secretary of the Interior.

The minimum annual production requirements of a lease issued under the act for coal, phosphate, potassium, sodium or oil shale shall be proportionately reduced for that portion of a lease year for which suspension of operations and production is directed or granted by the Secretary of the Interior in the interest of conservation.

191.27 Applicability of relief. The relief authorized under sections 191.25 and 191.26 hereof may also be obtained for any oil and gas leases included within an approved unit or cooperative plan of development and operation.

LEASING OF MINERALS DEVELOPED BY GOVERNMENTAL
AGENCY TO AID IN PROSECUTING WORLD WAR II

191.40 Leases to Governmental agency or its assigns. Except as otherwise provided by law, any mineral deposits (other than for oil and gas) and public lands containing such deposits which are subject to disposition under the provisions of the act, the production from which has been used by any Federal agency in connection with the prosecution of World War II, may be leased to the agency controlling the facilities using such production, or to any purchaser or lessee of such facilities, by negotiation, or by requiring the agency, its purchaser or lessee to meet the highest competitive bid received under sealed bids for such lease.

Approved: October 28, 1946

X Fred W. Johnson
Acting Director.

Orson L. Chapman
Acting Secretary of the Interior.

obsolete see Cir 1781

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

PART 191 - GENERAL REGULATIONS
APPLICABLE TO MINERAL PERMITS,
LEASES AND LICENSES

Sections 191.6 and 191.8 are hereby amended to read as follows:

191.6 Special stipulations for lands in national forests and reclamation projects. Applicants for permits, leases and licenses for lands in national forests will be required to consent to the inclusion therein of the stipulation on Form 4-216. Where the land has been withdrawn for reclamation purposes the applicant may be required to consent to the inclusion of a stipulation to Form 4-467 if the lands are potentially irrigable, or Form 4-467(a) if the lands are within the flow limits of a reservoir site, or Form 4-467(b) if the lands are within the drainage area of a constructed reservoir. Other conditions may be imposed, if deemed necessary, to protect the lands withdrawn for reclamation purposes.

191.8 Interests held in common. An association shall not be deemed to exist between the parties to a contract for development of leased lands, whether or not coupled with an interest in the lease, nor between co-lessees, but each party to any such contract or each co-lessee will be charged with his proportionate interest in the lease. No holding of acreage in common by the same persons in excess of the maximum acreage specified in the law for any one lessee or permittee for the particular mineral deposit so held will be permitted. (41 Stat. 450, 44 Stat. 302, 44 Stat. 1058, 30 U.S.C., 189, 275, 285, Act of August 8, 1946 (Public Law No. 696, 79th Congress)).

(Sgd) Oscar L. Chapman,

Acting Secretary of the Interior.

June 6, 1947

STIPULATION

The lands embraced in this lease (permit), issued under the mineral leasing act of February 25, 1920 (41 Stat. 437), as amended, being within a national forest, the lessee (permittee) hereby agrees:

(1) Not to cut or destroy timber without first obtaining permission from the authorized representative of the Secretary of Agriculture, and to pay for all such timber cut or destroyed at rates prescribed by such representative; to avoid unnecessary damage to improvements, timber, or other cover; unless otherwise authorized by the representative of the Secretary of Agriculture, not to drill any well within 200 feet of any building standing on the leased land; and whenever required in writing by the authorized representative of the Secretary of Agriculture, to fence all sump holes and other excavations made by lessee (permittee).

(2) To do all in his power to prevent and suppress forest, brush or grass fires on the leased land and in its vicinity, and to require his employees, contractors, subcontractors, and employees of contractors or subcontractors to do likewise. Unless prevented by circumstances over which he has no control, the lessee (permittee) shall place his employees, contractors, subcontractors, and employees of contractors and subcontractors employed on the leased land at the disposal of any authorized officer of the Department of Agriculture for the purpose of fighting forest, brush, or grass fires, with the understanding that payment for such services shall be made at rates to be determined by the authorized representative of the Secretary of Agriculture, which rates shall not be less than the current rates of pay prevailing in the vicinity for services of a similar character: Provided, That if the lessee (permittee), his employees, contractors, subcontractors, or employees of contractors or subcontractors, caused or could have prevented the origin or spread of the said fire or fires, no payment shall be made for services so rendered.

During periods of serious fire danger to forest, brush, or grass, as may be specified by the authorized representative of the Secretary of Agriculture, the lessee (permittee) shall prohibit smoking and the building of camp and lunch fires by his employees, contractors, subcontractors, and employees of contractors or subcontractors within the leased area except at established camps, and shall enforce this prohibition by all means within his power: Provided, That the authorized representative of the Secretary of Agriculture may designate safe places where, after all inflammable material has been cleared away, camp fires may be built for the purpose of heating lunches and where, at the option of the lessee (permittee), smoking may be permitted.

The lessee (permittee) shall not burn rubbish, trash, or other inflammable material except with the consent of the authorized representative of the Secretary of Agriculture and shall not use explosives in such manner as to scatter inflammable materials on the surface of the land during the forest, brush, or grass fire season, except as authorized to do so or on areas approved by such representative.

The lessee (permittee) shall build or construct, such fire lines or do such clearing on the leased land as the authorized representative of the Secretary of Agriculture decides is necessary for forest, brush, and grass fire prevention and shall maintain such fire tools at his headquarters on the leased land as are deemed necessary by such representative.

(3) To pay the lessor or his tenant, as the case may be, for any and all damage to or destruction of property caused by lessee's (permittee's) operations hereunder; and to save and hold the lessor harmless from all damage or claims for damage to persons or property resulting from the lessee's (permittee's) operations under this lease (permit).

(4) To address all matters relating to this stipulation to the Forest Supervisor of the National Forest in which the leased lands are located, or to such

other representative as the Secretary of Agriculture may, from time to time, designate in writing delivered to the lessee (permittee).

(5) If lessee (permittee) shall construct any camp on the land, such camp shall be located at a place approved by the forest supervisor, and such forest supervisor shall have authority to require that such camp be kept in a neat and sanitary condition.

Lessee (Permittee).

Circular No. 1624

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Washington

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

PART 192 - OIL AND GAS LEASES

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- 192.120 Single extension as to lands not in a producing field.
- 192.121 Continuation of lease as to lands within producing fields and on termination of production.
- 192.122 Extension for term of cooperative or unit plan.
- 192.123 Extension of lease eliminated from cooperative or unit plan or communitization or drilling agreement and of lease in effect at termination of such plan or agreement.
- 192.130 Preference right to a new lease.

ASSIGNMENTS OR TRANSFERS

- 192.140 Assignments or transfers of leases or interests therein.

Sec.

- 192.141 Requirements for filing assignments or transfers.
- 192.142 Separate assignments required for transfer of record titles to leases.
- 192.143 Effect of assignment of particular tract.
- 192.144 Extension of leases segregated by assignment.
- 192.145 Royalty interests in oil and gas leases and assignments thereof.

TERMINATION OF LEASES

- 192.160 Relinquishments of leases or portions thereof.
- 192.161 Cancellation of lease.

Authority: Sections 192.1 to 192.161, inclusive, issued under 41 Stat. 450, 30 U.S.C. 189, act of August 8, 1946 (Public Law 696, 79th Congress).

GENERAL PROVISIONS

The following text is substituted for Part 192:

192.1 Applicability of amendatory act to existing leases. Prior to the filing of the notice of election hereinafter referred to, the act of August 8, 1946 (Public Law 696, 79th Congress) applies to leases issued prior to the date of that act only where the amendatory act so provides. The owner of any lease issued prior to August 8, 1946, may elect pursuant to section 15 to come entirely under the provisions of that act by filing on or before December 31, 1948, together with the consent of surety if there be a bond on the lease, a notice of election to have his lease governed by the amendatory act. A notice of election so filed shall constitute an amendment of all provisions of the lease to conform with the provisions of the amendatory act and the regulations issued thereunder. No right of election, however, will be recognized if not exercised within the time specified.

192.2 Helium. The ownership of and the right to extract helium from all gas produced from lands leased or otherwise disposed of under the act have been reserved to the United States. Appropriate provision is made in leases with respect to the recovery of helium.

192.3 Acreage limitations on leases. No person, association, or corporation, except as in the act provided, may hold more than 15,360 acres in any one state, whether directly through the ownership of leases or interests in leases, or indirectly as a member of an association, or associations, or as a stockholder of a corporation, or corporations, holding leases or interests therein or both. All leases

1/ Leases heretofore issued until an election is filed as provided for in these regulations shall continue to be governed by the pertinent provisions of the regulations heretofore in force as well as by these regulations to the extent that they are applicable.

committed to any unit or cooperative plan approved or prescribed by the Secretary of the Interior and all operating, drilling, or development agreements approved under Section 17(b) of the act, other than communitization agreements, and all leases issued under Sections 18 and 19 of the act shall not be included in computing accountable acreage under Section 27 of the Act.

In computing acreage holdings or control, the accountable acreage of a party owning an undivided interest in a lease shall be such party's proportionate part of the total lease acreage. Likewise, the accountable acreage of a party owning an interest in a corporation or association shall be his proportionate part of the corporation's or association's accountable acreage. Parties owning a royalty or other interest determined by or payable out of a percentage of production from a lease will be charged with a similar percentage of the total lease acreage.

No lease will be issued and no assignment will be approved until it has been shown pursuant to the requirements of Section 192.42(b) and (c) that the lessee or assignee is entitled to hold the acreage. Any party found to hold or control accountable acreage computed in accordance with the principles above set forth in excess of the prescribed limitation shall be given thirty days within which to file proof of the reduction of his holdings or control so as to conform with the prescribed limitation.

192.4 Acreage limitations on options. (a) Acreage held under a nonrenewable option, valid only for two years or such longer period as may be authorized by the Secretary, for the purpose of geological or geophysical exploration, shall not be chargeable under section 192.3, but no optionee, except as permitted by the act of August 8, 1946, may hold options at any one time for more than 100,000 acres in any one State.

(b) No such option shall be taken for more than two years without the prior approval of the Secretary of the Interior. Where it is sought to obtain such options for a period of more than two years, an application should be filed with the Director, Bureau of Land Management, accompanied by a complete showing as to the special or unusual circumstances which are believed to justify approval of the application by the Secretary.

(c) Within the meaning hereof, the term of any such option taken upon a lease not then issued shall be considered to begin as of the date of the lease.

(d) It shall be permissible for any such option to provide that where all or any part of the land covered thereby is included in a cooperative or unit plan (as defined in Section 192.20 hereof) duly executed by the parties and submitted to the Secretary for final approval prior to the expiration of the two-year option period, then, as to that part of the land covered by said option which is included in said cooperative or unit plan, such option shall not expire until a date 30 days after the date of final approval or disapproval by the Secretary of that cooperative or unit plan.

(e) No acreage shall be chargeable under options taken prior to June 1, 1946, on which geological or geophysical exploration has been actually made if exercised prior to August 9, 1948, except as against the 100,000 acre limitation referred to in subsection (a) hereof, but no such option not so exercised will be recognized by the Department, thereafter, for any purpose.

(f) Each optionee must file with the Director, Bureau of Land Management, within 90 days after December 31 and June 30 of each year, commencing with the year ending December 31, 1946, a statement under oath showing as of the prior December 31 and June 30 respectively, (1) name of optionor and serial number of lease or application for lease subject to the option, (2) date and expiration date of each option, (3) number of acres covered by each option, and (4) aggregate number of options held in each state and total acreage thereof.

(g) If the statement shows or it is otherwise ascertained that the optionee holds options in excess of the prescribed limitation, he will be given 30 days within which to file proof of reduction of his option holdings to the limitations prescribed by the act.

192.5 Lands within one mile of naval petroleum or helium reserves. No application for an oil and gas lease under the act will be granted for land within one mile of the exterior boundaries of a naval petroleum or a helium reserve, unless the land is being drained of its oil or gas deposits or helium content by wells on privately owned land or unless it is determined by the Secretary, after consultation with the head of the agency exercising jurisdiction over the reserve, that operations under such a lease will not adversely affect the reserve through drainage from known productive horizons.

192.6 Boundaries of known geologic structures and productive limits of producing oil or gas fields and deposits. The Director of the Geological Survey will determine the boundaries of the known geologic structures of producing oil or gas fields and, where necessary to effectuate the purposes of the act, the productive limits of producing oil or gas deposits as such limits existed on August 8, 1946. Maps or diagrams showing the boundaries of known geologic structures of producing oil or gas fields and of the productive limits of producing oil or gas deposits will be placed on file in the appropriate district land office, and office of the oil and gas supervisor. Any lessee or his operator may apply to have a determination made as to whether or not the land upon which he intends to drill a well is inside or outside the productive limits of a producing oil or gas deposit. The application should be accompanied by all available geologic data which in his opinion have a bearing on the matter.

192.7 Agreements to compensate for drainage. Upon a determination by the Director of the Geological Survey that lands owned by the United States are being drained of oil or gas by wells drilled on adjacent lands, the Director, Bureau of Land Management, may execute agreements with the owners of adjacent lands whereby the United States, or the United States and its lessees, shall be compensated for such drainage, such agreements to be made with the consent of any lessee affected thereby. The precise nature of any agreement will depend on the conditions and circumstances involved in the particular case.

192.8 Protection of leased lands from drainage. Where land in any lease is being drained of its oil or gas content by a well either on a Federal lease issued at a lower rate of royalty or on land not the property of the United States, the lessee must drill and produce all wells necessary to protect the leased lands from drainage. In lieu of drilling such wells, the lessee may, with the consent of the Director of the Geological Survey, pay compensatory royalty in the amount determined in accordance with 30 C.F.R. sec. 221.21.

A period equal to that for which compensatory royalty is paid in lieu of drilling

on any Federal lease under this or the preceding section shall be added to its primary term where there is no producing well on the lease. For such purpose the primary term of a noncompetitive lease means the initial five year term and the single extension of five years authorized by section 17 of the act.

COOPERATIVE CONSERVATION PROVISIONS

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192.20 Cooperative or unit plans. The act authorizes lessees and their representatives to unite with each other, or jointly or separately with others, in collectively adopting and operating under a cooperative or unit plan of development or operation of any oil or gas pool, field, or like area, or any part thereof (whether or not any part of such pool, field, or like area is then subject to any cooperative or unit plan of development or operation). The agreement must be for the purpose of more properly conserving the natural resources of any such oil or gas pool, field, or area covered thereby and must be determined and certified by the Secretary of the Interior to be necessary or advisable in the public interest. The Secretary, with the consent of the lessees, is authorized to establish, alter, change or revoke drilling, producing, rental, minimum royalty, and royalty requirements of the leases and to make such regulations with reference to such leases as he may deem necessary or proper to secure the protection of the public interest. All leases committed to any unit or cooperative plan approved or prescribed by the Secretary of the Interior shall be excepted in determining acreage charges.

192.21 Application for approval of plan. The procedure in obtaining approval of a cooperative or unit plan of development including suggested text of an agreement acceptable to the Department is contained in 30 C.F.R. Part 226, "Unit or Cooperative Agreements". All applications to unitize and all documents incident thereto shall be filed in the office of the oil and gas supervisor, Geological Survey, for the region in which the unit area is situated.

192.22 Communitization or drilling agreements. The Secretary is authorized when separate tracts under lease cannot be independently developed and operated in conformity with an established well-spacing or well-development program, to approve communitization or drilling agreements for the lease or any portion thereof with other lands, whether or not owned by the United States, when in the public interest. Operations or production pursuant to such an agreement shall be deemed to be operations or production as to each lease committed thereto.

Preliminary requests to communitize separate tracts shall be filed in triplicate with the oil and gas supervisor and executed agreements shall be submitted in sufficient number to permit retention of five copies by the Department after approval.

The agreement shall describe the separate tracts comprising the drilling or spacing unit, shall show the apportionment of the production or royalties to the several parties and the name of the operator, and shall contain adequate provisions for the protection of the interests of all parties, including the United States. The agreement must be signed by or in behalf of all necessary parties and will be effective only after approval by the Secretary of the Interior as provided therein.

192.23 Approval of operating, drilling or development contracts without regard to acreage limitations. The authority of the Secretary to approve operating, drilling, or development contracts without regard to acreage limitations ordinarily will

For the extension of leases committed to a unit plan, see section 192.122.

be exercised only to permit operators or pipe-line companies to enter into contracts with a number of lessees sufficient to justify operations on a large scale for the discovery, development, production, or transportation of oil or gas and to finance the same.

A contract submitted for approval under this provision should be filed with the Director, Bureau of Land Management, together with enough copies to permit retention of 5 copies by the Department after approval. It should be accompanied by a statement showing all the interests held by the contractor in the area or field and the proposed or agreed plan of operation or development of the field. All the contracts held by the same contractor in the area or field should be submitted for approval at the same time, and full disclosure of the project made. Complete details must be furnished in order that the Secretary may have facts upon which to make a definite determination in accordance with the provisions of the act, and prescribe the conditions on which approval of the contracts is made.

192.24 Combinations for joint operation of refinery, or for transportation of oil. Upon obtaining the approval of the Secretary, lessees may combine their interests in leases for the purpose of constructing and carrying on the business of a refinery, or of establishing and constructing as a common carrier a pipe line or lines of railroads to be operated and used by them jointly in the transportation of oil from their several wells or from the wells of other lessees, or to increase the acreage which may be acquired or held under the provisions of section 17 of the act relating to competitive leases. An application under this section, together with enough copies to permit retention of 5 copies by the Department after approval, should be filed with the Director, Bureau of Land Management. The application must show a reasonable need for the combination and that it will not result in any concentration of control over the production or sale of oil and gas which would be inconsistent with the anti-monopoly provisions of the law.^{2/}

192.25 Subsurface storage of oil or gas. In order to avoid waste or to promote conservation of natural resources, the Secretary of the Interior, upon application by the interested parties, may authorize the subsurface storage of oil or gas, whether or not produced from federally owned lands, in lands leased or subject to lease under the act. Such authorization will provide for the payment of such storage fee or rental on the stored oil or gas as may be determined adequate in each case, or, in lieu thereof, for a royalty other than that prescribed in the lease when such stored oil or gas is produced in conjunction with oil or gas not previously produced. Any lease used for the storage of oil or gas shall be extended for the period of such storage and so long thereafter as oil or gas not previously produced is produced in paying quantities.

Applications for subsurface storage shall be filed in triplicate with the oil and gas supervisor and shall disclose the ownership of the lands involved, the parties in interest, the storage fee, rental, or royalty offered to be paid for such storage and all essential information showing the necessity for such project. Enough copies of the final agreement signed by the parties in interest shall be submitted for the approval of the Secretary to permit retention of 5 copies by the Department after approval.

^{3/} Rights-of-way for oil and gas pipe lines may be granted as provided for in sections 244.56 - 244.61 of this Title.

ISSUANCE OF LEASES

192.40 Classes and term. All lands subject to disposition under the act which are known or believed to contain oil or gas may be leased by the Secretary of the Interior. When within the known geologic structure of a producing oil or gas field, such land may be leased only by competitive bidding and in units of not exceeding 640 acres to the highest responsible qualified bidder at a royalty of not less than 12 1/2 per cent. Leases for not to exceed 2,560 acres, in reasonably compact form, may be issued for all other land subject to the act to the first qualified applicant at a royalty of 12 1/2 per cent. Hereafter, all leases, except those issued as renewals of 20 year leases, will be issued for a primary term of five years and so long thereafter as oil or gas is produced in paying quantities.

192.41 Leases for lands wholly or partly within unit areas. Before issuance of an oil and gas lease for lands within an approved unit agreement, the lease applicant or successful bidder will be required to file evidence that he has entered into an agreement with the unit operator for the development and operation of the lands in his lease under and pursuant to the terms and provisions of the approved unit agreement, or a statement giving satisfactory reasons for the failure to enter into such agreement. If such statement is acceptable he will be permitted to operate independently but will be required to conform to the terms and provisions of the agreement with respect to such operations.

In case an application for lease embracing lands partly within and partly without the exterior boundaries of a unitized area is found allowable, separate leases will be issued, one embracing the lands within the unit area, and one the lands outside of such area.

A. Non-competitive Leases

192.42 Applications for noncompetitive leases. Applications for noncompetitive leases may be filed in the proper district land office or, for lands or deposits in States in which there is no district land office, in the Bureau of Land Management, addressed to the Director of the Bureau of Land Management. All applications must be accompanied by the filing fee prescribed in section 191.11, and at lease one-half of the first year's rental. Any application not accompanied by the minimum fee and rental payment will be rejected. No specific form of application is required and no blanks will be furnished. An application executed by an attorney in fact must be accompanied by the power of attorney and the applicant's own statement ^{4/} as to his citizenship and acreage holdings. Proof of the authority of the officer who makes application on behalf of a corporation must be furnished.

The application must contain in substance the following:

(a) The applicant's name and address.

(b) A statement as to citizenship: In case of an individual, whether native born or naturalized and, if naturalized, date of naturalization, court in which

^{4/} Title 18 U.S.C. sec. 80 makes it a crime for any person knowingly or wilfully to submit or cause to be submitted to any agency of the United States any false or fraudulent statement as to any matter within its jurisdiction.

naturalized, and number of certificate, if known; if a woman, whether she is married or single; if married, the date of her marriage and the citizenship of her husband; if a corporation, by certified copy of the articles of incorporation and a showing as to residence and citizenship of the stockholders; if 20 per cent or more of the stock of any class is owned or controlled by any one stockholder, a separate showing of his citizenship and holdings. In case any of the stock of the corporation is held by aliens, a showing is required giving, to the extent reasonably ascertainable, the name, the country to which each owes allegiance and the amount of stock held by each.

(c) A statement of the interests, direct and indirect, held by the applicant in oil and gas leases, and applications therefor on public lands in the same State, identifying by serial number the records wherein such interests may be found.

(d) Description of the lands for which a lease is desired, describing the lands by legal subdivisions or, if unsurveyed, by metes and bounds description connected with a corner of the public surveys by courses and distances.

(e) A statement that the applicant is ready upon demand to pay the remainder of the rental and to furnish such bond or bonds as may be required under the lease or regulations.

Where any required information or statements are already on file with the Department, the showing required by these regulations may to that extent be made by appropriate reference to the information or statements already on file.

192.43 Simultaneous applications for lands in canceled leases and permits. Where oil and gas leases are canceled involving lands not within a known geologic structure of a producing oil or gas field, the cancellation will be noted on the tract book as effective at 9 o'clock a.m. on the tenth business day after such notation, and notice of the opening, including the land description, will be posted in a conspicuous place in the district land office during the 10 day period.

Conflicting applications filed by mail or otherwise after the notice is posted and prior to the hour of opening will be considered as filed simultaneously; and their priority will be determined by a public drawing following the procedure prescribed in section 295.8(d), except as hereinafter otherwise provided.

Each applicant will be notified of the date and hour of the drawing and required within 15 days to pay a drawing fee of \$10 and to furnish a statement that the application is filed solely on his own behalf and not for any other person, association, or corporation, either in whole or in part. If any applicant fails to comply with the requirements, his application will not be entered in the drawing but will be rejected without further notice. If only one applicant complies with the requirements of this paragraph, no drawing will be held and the fee will be returned.

192.44 Form of lease. Noncompetitive leases will be executed on Form 4-213 and the rentals and royalties payable thereunder will be set forth in Schedule "A" affixed thereto and made a part thereof.

B. Competitive Leases

192.50 Designation and offer of lands for lease by competitive bidding.

The lands and deposits subject to disposition under the act which are within the known geologic structure of a producing oil or gas field will be divided into leasing blocks or tracts in units of not exceeding 640 acres each, which shall be as nearly compact in form as possible, and offered for lease at a royalty and rental to be specified in the notice of sale, to the qualified person who offers the highest bonus by competitive bidding either at public auction, or by sealed bids as provided in the notice of sale.

192.51 Notice of lease offer. Notice of the offer of lands for lease will be by publication once a week for five consecutive weeks, or for such other period as may be deemed advisable, in a newspaper of general circulation in the county in which the lands or deposits are situated, or in such other publications as the Director, Bureau of Land Management may authorize. The notice will be published at the expense of the Government. A copy of the notice will be posted in the district land office during the period of publication. Such notice will set the day and hour of sale and will state whether the lease is offered by sealed bids or at public auction. If by public auction, the offer will be made at the land office of the district in which the lands are situated, or at such other place as may be fixed in the notice. If by sealed bids, full information will be given as to how and when bids are to be submitted. All bidders are warned against violation of the provisions of section 59 of the United States Criminal Code, approved March 4, 1909 (35 Stat. 1099; 18 U.S.C. 113), prohibiting unlawful combination or intimidation of bidders.

192.52 Qualifications of successful bidder. The successful bidder at a sale by public auction must deposit with the manager of the district land office or other officer conducting the sale on the day of sale, and each bidder, if the sale is by sealed bids, must submit with his bid the following: Certified check on a solvent bank, money order, or cash, for one-fifth of the amount bid by him; proof of citizenship as required in section 192.42(b) and a statement of interests held in leases and applications therefor as required in section 192.42(c) hereof.

192.53 Award of lease. Following receipt of the report of the auction from the manager, or the opening of the sealed bids, the Director, subject to his right to reject any or all bids, will award the lease to the successful bidder. Notice of his action will be forthwith transmitted to the interested parties through the local office. If the lease be awarded, three copies of the lease will be sent to the successful bidder and he will be required within 30 days from receipt thereof to execute them, pay the balance of his bonus bid, the first year's rental, and file a bond as required in section 192.100 hereof. If any bid be rejected, the deposit will be returned. If a bidder, after being awarded a lease, fails to execute it or otherwise comply with the applicable regulations, his deposit will be forfeited and disposed of as other receipts under this Act.

If two or more units are awarded to any bidder, such units, where the acreage does not exceed 640 acres, may be included in a single lease if circumstances warrant.

192.54 Form of lease. Competitive leases will be issued on Form 4-213 and the rentals and royalties payable thereunder will be set forth in Schedule "B" affixed thereto and made a part thereof.

C. Exchange and Renewal Leases

192.60 Application to exchange lease for a new lease. Any lease which issues for a term of 20 years, or any renewal thereof, or which issued in exchange for a 20-year lease prior to August 8, 1946, may be exchanged for a new lease. Such new lease will be issued for a primary term of 5 years and so long thereafter as oil or gas is produced in paying quantities and will contain the rental and royalty rates prescribed in sections 192.80, 192.81 and 192.82 hereof. An application to exchange a lease for a new lease should be filed in triplicate by the lessee with the manager of the appropriate district land office and must show full compliance by the applicant with the terms of the lease and applicable regulations.

192.61 Application for renewal. Twenty year leases or renewals thereof may be renewed for successive terms of 10 years at the rental and royalty rates specified for such renewal leases in sections 192.80, 192.81 and 192.82 hereof. An application to renew should be filed in triplicate with the manager of the district land office in which the leased land is located or if in a State in which there is no district land office, in the Bureau of Land Management at least 90 days, but not more than six months, prior to the expiration of its term. Such application should be made by the record title holder or holders of the lease and may be joined in or consented to by the operator of record. The application should show whether all moneys due the United States have been paid and whether operations under the lease have been conducted in accordance with the regulations of the Department.

The applicant or his operator shall furnish in triplicate with the application for renewal, copies of all agreements not theretofore filed providing for overriding royalties or other payments out of production from the lease which will be in existence as of the date of its expiration. When such payments, including overriding royalties, are in excess of 5 per cent of gross production a detailed statement of the income from and costs of operation of the lease for the twelve month period immediately preceding the month in which the application for renewal is filed must also be furnished.

192.62 Action on application. If the outstanding obligations in excess of five per cent of gross production payable from production do not constitute a burden on the lease prejudicial to the interests of the United States, they will not be considered a bar to its renewal but any lease that may be issued will be upon the condition, to be incorporated in the lease, that if and when the costs of operations, including the payment of overriding royalties or payments out of production, shall be determined by the Director, Bureau of Land Management, to constitute such a burden such royalties and payments shall be reduced to not more than 5 per cent of the value of the production. If no objection to the renewal of the lease appears, copies of a renewal lease, in triplicate, dated the first day of the month in which the original lease terminated, will be forwarded to the lessee for execution. If upon receipt of the executed lease forms and a satisfactory lease bond, the lease is executed, one copy thereof will be delivered to the lessee.

If a determination is made that overriding royalties and payments out of production in excess of 5 per cent of gross production constitute a burden on lease operations to the extent that proper and timely development will be retarded, or continued operation of the lease impaired, or premature abandonment of the wells caused, the lease application will be suspended and the parties in interest will be offered an opportunity to reduce the excessive overriding royalties or other payments out of production to not more than 5 per cent of the value of the

production. If the holders of outstanding overriding royalty or other interests payable out of production, the operator, and the lessee are unable to enter into a mutually fair and equitable agreement, any of the parties may apply for a hearing at which all interested parties may be heard and written statements presented. Thereupon a final decision will be rendered by the Department outlining the conditions acceptable to it as a basis for a fair and reasonable adjustment of the excessive overriding royalties and other payments out of production, and an opportunity will be afforded within a fixed period of time to submit proof that such adjustment has been effected. Upon failure to submit such proof within the time so fixed, the application for renewal will be denied.

192.63 Form of lease. Renewal and exchange leases will be issued on Form 4-213. The rentals and royalties payable thereunder will be set out on Schedule "C" or "D" as may be appropriate, which schedule is attached thereto and made a part thereof.

D. Leases on Patented or Entered land.

192.70 Preference right of patentee or entryman to a lease. An entryman or patentee who made entry prior to February 25, 1920, or an assignee of such entryman or a vendee of such patentee if the assignment or conveyance was made prior to January 1, 1918, for lands not withdrawn or classified or known to be valuable for oil and gas at date of entry shall be entitled, if the entry or patent is impressed with a reservation of the oil or gas, to a preference right to a lease for the land. A settler whose settlement was made prior to February 25, 1920, on land in the same status but which has since been withdrawn, classified or is known to contain oil or gas, also has such a preference right.

Any applicant for a lease to lands owned, entered or settled upon as stated above must notify the person entitled to a preference right of the filing of the application and of the latter's preference right for 30 days after notice to apply for a lease. If the party entitled to a preference right files a proper application within the 30 day period he will be awarded a lease, but if he fails to do so, his rights will be considered to have terminated.

192.71 Lands in entries or claims not impressed with a reservation of oil and gas. Where an application is filed to lease lands in an entry or settlement claim not impressed with an oil or gas reservation, the application will be rejected unless it is found that the land is prospectively valuable for oil or gas. An applicant for a lease for land already embraced in a nonmineral entry without a reservation of the mineral, and likewise a nonmineral entryman or settler who is contending that the land is nonmineral in character should submit with their respective applications or showings as complete and accurate geologic data as may be procurable, preferably the reports and opinions of qualified experts.

Should the land be found to be prospectively valuable for oil or gas, the entryman or settler will be required to consent to a reservation of the oil or gas to the United States or to contest the mineral finding. If he does neither the entry will be canceled or his settlement rights denied. If he consents, or contests the finding and is unsuccessful, a lease will be granted to the applicant, unless the entryman or settler has a preference right, but if the entryman or settler prevails in a contest, the application will be rejected.

192.72 Showing required of oil and gas applicants for unsurveyed lands.

Every applicant for oil and gas lease for unsurveyed lands, must state in his application that there are no settlers upon the land, or if there be settlers, give the name and post office address of each and a description of the lands claimed, by metes and bounds and approximate legal subdivisions.

RENTALS AND ROYALTIES

192.80 Rentals. Rentals shall be payable in advance at the following rates:

(a) On noncompetitive leases issued under section 17, wholly outside of the known geologic structure of a producing oil or gas field:

- (1) For the first lease year, 50 cents per acre.
- (2) For the second and third lease years, no rental.
- (3) For the fourth and fifth years, 25 cents per acre.
- (4) For the sixth and each succeeding year, 50 cents per acre.

(b) On leases wholly or partly within the geologic structure of a producing oil or gas field:

- (1) If issued noncompetitively under section 17 and not committed to a unit plan, beginning with the first lease year after the expiration of thirty days notice to the lessee that all or part of the land is included in such a structure and for each year thereafter, prior to a discovery of oil or gas on the leased lands, rental of \$1 per acre.
- (2) If issued noncompetitively under section 17 and committed to an approved cooperative or unit plan which includes a well capable of producing oil or gas and contains a general provision for allocation of production, for lands not within the participating area, an annual rental of 50 cents per acre for the first and each succeeding lease year following discovery.
- (3) If issued competitively, an annual rental, prior to a discovery on the leased lands, of \$1 per acre unless a different rate of rental is prescribed in the lease.

(c) On leases issued in any other way an annual rental of \$1 per acre.

192.81 Minimum royalty. On leases issued on or after August 8, 1946, and on those issued prior thereto if the lessee files an election under section 15 of the Act of August 8, 1946, a minimum royalty of \$1 per acre in lieu of rental, shall be payable at the expiration of each lease year after a discovery has been made on the leased lands, commencing with the lease year beginning on or after the date of such discovery, except that on unitized leases the minimum royalty shall be payable only on the participating acreage. If the actual royalty paid during any year aggregates less than \$1 per acre the lessee must pay the difference at the expiration of the lease year.

192.82 Royalty on production.

(a) On and after August 8, 1946, the following royalty rates shall be paid on the production removed or sold from leases:

- (1) $12\frac{1}{2}$ per cent on noncompetitive leases thereafter issued under section 17.
- (2) Such rates as are prescribed in the notice of sale in the case of all leases thereafter issued by competitive bidding.

issued, in so far as (3) and (4) are inapplicable, the rates specified in the lease.

- (b) The average production per well per day for oil and for gas shall be determined pursuant to 30 CFR, Part 221, "Oil and Gas Operating Regulations."
- (c) In determining the amount or value of gas and liquid products produced, the amount or value shall be net after an allowance for the cost of manufacture. The allowance for cost of manufacture may exceed two-thirds of the amount or value of any product only on approval by the Secretary of the Interior.
- (d) The Secretary of the Interior may establish reasonable values for purposes of computing royalty on any or all oil, gas, natural gasoline, and other liquid products obtained from gas, due consideration being given to the highest price paid for a part or for a majority of production of like quality in the same field, to the price received by the lessee, to posted prices and to other relevant matters. In appropriate cases this will be done after notice to the parties and opportunity to be heard.

192.83 Limitation of overriding royalties. No overriding royalty interests, whether in the form of payments out of production or otherwise, aggregating in excess of 5 per cent shall be created except in a lease where the royalty payable to the United States is less than $12\frac{1}{2}$ per cent. In such a lease the total royalty including that payable to the Government shall not exceed $17\frac{1}{2}$ per cent. Contracts for payments out of production will not be construed to create an overriding royalty obligation where they provide that the obligation to make such payments shall be effective only during those periods when the average daily production from the lease is in excess of 15 barrels of oil per well per day.

BONDS

192.100 Amount of bonds required of lessees. The successful bidder for a competitive lease prior to the issuance of the lease must furnish a corporate surety bond in the sum of at least double the amount of the \$1 per acre annual rental but in no case less than \$1,000 nor more than \$5,000, conditioned on compliance with all the terms of the lease, and such a bond must also be filed when all or any part of the land in a lease issued noncompetitively is included within the limits of a known geologic structure of a producing oil or gas field.

Until a general lease bond is filed a noncompetitive lessee will be required to furnish and maintain a bond in the penal sum of not less than \$1,000 in those cases in which a bond is required by law for the protection of the owners of surface rights. In all other cases where a bond is not otherwise required, a \$1,000 bond must be filed for compliance with the lease obligations not less than 90 days before the due date of the next unpaid annual rental, but this requirement may be successively dispensed with by payment of each successive annual rental not less than 90 days prior to its due date.

All leases shall provide that where a \$5,000 bond is not already being maintained a general lease bond in the penal sum of \$5,000 conditioned upon compliance with all lease terms covering the entire leasehold, shall be furnished by the lessee prior to the beginning of drilling operations. An operator or, if there is

more than one operator covering different portions of the lease, each operator may furnish a \$5,000 general lease bond in his own name as principal on the bond in lieu of the lessee. Where there are one or more operator's bonds affecting a single lease, each such bond must be conditioned upon compliance with all lease terms for the entire leasehold. Where a bond is furnished by an operator, suit may be brought thereon without joining the lessee if he is not a party to the bond.

Bonds shall be either corporate surety bonds or personal bonds except that bonds with individual sureties as provided in Section 191.14 of this title may be furnished for the protection of the entryman or owner of surface rights. Personal bonds must be accompanied by a deposit of negotiable Federal securities in a sum equal at their par value to the amount of the bond and by a proper conveyance to the Secretary of full authority to sell such securities in case of default in the performance of the conditions of the lease bond.

192.101 Form of bonds. Bonds furnished by lessees will be on form 4-208g; those furnished by operators on form 4-238.

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CONTINUATION OR EXTENSION OF LEASES

192.120 Single extension as to lands not in a producing field. The record title holder of any noncompetitive lease, as to which a notice of election has been filed pursuant to section 15 of the Act of August 8, 1946, or which was issued after the passage of that act, maintained in compliance with the law and these regulations, by filing his application therefor within the period of 90 days prior to the expiration date of the lease, may obtain a single extension of the primary term of the lease for an additional five years, unless then otherwise provided by law, as to all of the leased lands or any legal subdivision thereof which, on the expiration date of the lease, are not within the known geologic structure of any producing oil or gas field or have not been withdrawn from leasing. A withdrawal, however, will prevent an extension only (a) if notice thereof was mailed to the lessee by registered mail at least 90 days prior to the expiration date of the lease and (b) if actual drilling operations on the leased lands were not commenced prior to the effective date of such withdrawal, or, if so commenced, have not been diligently prosecuted until and including such expiration date.

192.121 Continuation of lease as to lands within producing fields and on termination of production.

(a) Any noncompetitive lease or portion thereof which is not subject to a single extension of five years solely because the lands are within the known geologic structure of a producing oil or gas field at the date of expiration of the primary term of the lease shall continue in effect for a period of two years from the expiration date of the primary term of the lease where drilling operations are being diligently prosecuted on such date and, upon discovery, for so long thereafter as oil or gas is produced in paying quantities.

5/ For extension of lease (a) because of suspension of operations and production, see section 191.26 of this title; (b) by payment of compensatory royalty, see section 192.8 hereof; (c) committed to communitization or drilling agreement, see section 192.22 hereof; (d) used for subsurface storage, see section 192.25 hereof; (e) segregated by assignment, see section 192.144.

(b) Any lease issued under the Act upon which production is had during its primary term or any extensions thereof, shall not terminate when the production ceases if diligent drilling operations are in progress on the leased land during the period of nonproduction.

192.122 Extension for term of cooperative or unit plan. Any lease issued for a term of 20 years, or any renewal thereof, committed to a cooperative or unit plan approved by the Secretary of the Interior, or any portion of such lease so committed, shall continue in force so long as committed to the plan, beyond the expiration date of its primary term. This provision does not apply to that portion of any such lease which is not included in the cooperative or unit plan unless the lease was so committed prior to August 8, 1946.

Any other lease issued under any section of the Act committed to any such plan that contains a general provision for the allocation of oil or gas shall continue in effect as to the land committed so long as the lease remains subject to the plan, provided oil or gas is discovered under the plan prior to the expiration date of the primary term of such lease.

192.123 Extension of lease eliminated from cooperative or unit plan or communitization or drilling agreement and of lease in effect at termination of such plan or agreement. Any lease or portion thereof eliminated from any approved or prescribed cooperative or unit plan or from any communitization or drilling agreement authorized by the act, and any lease in effect at the termination of such plan or agreement, unless relinquished, shall continue in effect for the original term of the lease, or for two years after its elimination from the plan or agreement or the termination thereof, whichever is the longer, and so long thereafter as oil or gas is produced in paying quantities.

192.130 Preference right to a new lease. Upon the expiration of its five year term the record title holder of a noncompetitive lease issued prior to August 8, 1946, and maintained in good standing, who has not filed a notice of election pursuant to section 15 of the Act of August 8, 1946, may apply for a new lease for the same land pursuant to the provisions of section 1 of the Act of July 29, 1942 (56 Stat. 726, 30 U.S.C. sec. 226b), provided the leased land is not then within the known geologic structure of a producing oil or gas field. Any lease issued under this section will be for a period of five years and so long thereafter as oil or gas is produced as provided in section 17 of the act and will be subject to the rules and regulations then in force.

To obtain such a new lease, the lessee must, within the period beginning 90 days prior to the date of expiration of the lease and ending on the date of expiration, submit an application in accordance with sec. 192.42, accompanied by a proper filing fee and the first year's rental of 50 cents per acre or fraction thereof.

ASSIGNMENTS OR TRANSFERS

192.140 Assignments or transfers of leases or interests therein. Leases may be assigned or subleased as to all or part of the leased acreage and as to either a divided or undivided interest therein to any person or persons qualified to hold a lease. Subject to final approval by the Director, Bureau of Land Management, assignments or subleases shall take effect as of the first day of

192 the lease month following the date of filing in the proper land office of all the papers required by sections 192.141 and 192.142. No assignment will be approved if the assignee is not qualified to take and hold a lease or if his bond is insufficient. An assignment of a separate zone or deposit or of a part of a legal subdivision will not be approved unless the necessity therefor is established by clear and convincing evidence.

192.141 Requirements for filing assignments or transfers. All instruments of transfer of a lease or of an interest therein, including assignments of record title, working, or royalty interests, operating agreements and subleases, must be filed for approval within 90 days from the date of final execution and must contain all of the terms and conditions agreed upon by the parties thereto, together with evidence of the qualifications of the assignee or transferee, consisting of the same showing required of a lease applicant by section 192.42(b) and (c) hereof. If a bond is necessary, it must be furnished. Where an assignment does not create separate leases, the assignee, if the assignment so provides, may become a joint principal on the bond with the assignor. If any overriding royalty or payments out of production are created which are not shown in the instrument, a statement must be submitted describing them. Assignments of record title interests must be filed in triplicate. A single executed copy of all other instruments of transfer is sufficient.

The assignor or sublessor and his surety will continue to be responsible for the performance of any obligation under the lease until the assignment or sublease is approved. If the assignment or transfer is not approved, their obligations to the United States shall continue as though no such assignment or transfer had been filed for approval. After approval the assignee or sublessee and his surety will be responsible for the performance of all lease obligations notwithstanding any terms in the assignment or sublease to the contrary.

The lease account must be in good standing as to the area covered by the assignment when the assignment and bond are filed, or must be placed in good standing before approval will be given.

192.142 Separate assignments required for transfer of record titles to leases. A separate instrument of assignment must be filed for each oil and gas lease when transfers involve record titles. When transfers to the same person, association, or corporation, involving more than one oil and gas lease are filed at the same time for approval, one request for approval and one showing as to the qualifications of the assignee will be sufficient.

192.143 Effect of assignment of particular tract. When an assignment is made of all or part of the record title to a portion of the acreage in a lease, the assigned acreage becomes segregated into a separate and distinct lease. The assignee becomes a lessee of the Government as to the segregated tract and is bound by the terms of the lease as though he had obtained the lease through an application filed in his own name and the assignment after its approval will be the basis of a new record.

192.144 Extension of leases segregated by assignment.

(a) Any lease segregated by assignment, including the retained portion, shall continue in effect for the primary term of the original lease, or for two years after the date of discovery of oil or gas in paying quantities upon any

other segregated portion of the original lease, whichever is the longer period.

(b) Undeveloped parts of leases assigned out of leases which are in their extended term because of production shall continue in effect for two years and so long thereafter as oil or gas is produced in paying quantities.

192.145 Royalty interests in oil and gas leases and assignments thereof. Royalty interests in oil and gas leases constitute holdings or control of lands and deposits within the meaning of the first sentence of section 27 of the Act. Assignments of such interest must be filed for record purposes in the appropriate district land offices accompanied by a showing by the assignees as to their citizenship and holdings in other oil and gas leases in the state. All assignments of royalty interests must be filed for the record, but only those of more than 1 per cent will be approved and then only after discovery.

TERMINATION OF LEASES

192.160 Relinquishments of leases or portions thereof. A lease or any legal subdivision thereof may be surrendered by the record title holder by filing a written relinquishment, in triplicate, in the proper land office. A relinquishment shall take effect on the date it is filed subject to the continued obligation of the lessee and his surety to make payment of all accrued rentals and royalties and to place all wells on the land to be relinquished in condition for suspension or abandonment in accordance with the regulations and the terms of the lease. A statement must be furnished that all moneys due and payable to workmen employed on the leased premises have been paid.

192.161 Cancellation of lease. Any lease not known to contain valuable deposits of oil or gas may be canceled by the Secretary of the Interior, after giving notice in accordance with section 31 of the act, whenever the lessee fails to comply with any of the provisions of the act, the regulations issued thereunder, or the lease, if such default continues for the period prescribed in that section after service of notice thereof. Leases known to contain valuable deposits of oil or gas may be canceled only by judicial proceedings in the manner provided in sections 27 and 31 of the act.

X Fred W. Johnson

Acting Director.

Approved: October 28, 1946.

Orin L. Chapman
Acting Secretary of the Interior.

PART 192—OIL AND GAS LEASES

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192.161 Cancellation of lease.

AUTHORITY: §§ 192.1 to 192.161, inclusive, issued under 41 Stat. 450, 30 U. S. C. 189, act of August 8, 1946 (Public Law 696, 79th Congress).

The following text is substituted for Part 192: ¹

GENERAL PROVISIONS

§ 192.1 *Applicability of amendatory act to existing leases.* Prior to the filing of the notice of election hereinafter referred to, the act of August 8, 1946 (Public Law 696, 79th Congress) applies to leases issued prior to the date of that act only where the amendatory act so provides. The owner of any lease issued prior to August 8, 1946, may elect pursuant to section 15 of the act to come entirely under the provisions of that act by filing on or before December 31, 1948, together with the consent of surety if there be a bond on the lease, a notice of election to have his lease governed by the amendatory act. A notice of election so filed shall constitute an amendment of all provisions of the lease to conform with the provisions of the amendatory act and the regulations issued thereunder. No right of election, however, will be recognized if not exercised within the time specified.

§ 192.2 *Helium.* The ownership of and the right to extract helium from all gas produced from lands leased or otherwise disposed of under the act have been reserved to the United States. Appropriate provision is made in leases with respect to the recovery of helium.

§ 192.3 *Acreage limitations on leases.* No person, association, or corporation,

except as in the act provided, may hold more than 15,360 acres in any one state, whether directly through the ownership of leases or interests in leases; or indirectly as a member of an association, or associations, or as a stockholder of a corporation, or corporations, holding leases or interests therein or both. All leases committed to any unit or cooperative plan approved or prescribed by the Secretary of the Interior and all operating, drilling, or development agreements approved under section 17 (b) of the act, other than communitization agreements, and all leases issued under sections 18 and 19 of the act shall not be included in computing accountable acreage under section 27 of the act.

In computing acreage holdings or control, the accountable acreage of a party owning an undivided interest in a lease shall be such party's proportionate part of the total lease acreage. Likewise, the accountable acreage of a party owning an interest in a corporation or association shall be his proportionate part of the corporation's or association's accountable acreage. Parties owning a royalty or other interest determined by or payable out of a percentage of production from a lease will be charged with a similar percentage of the total lease acreage.

No lease will be issued and no assignment will be approved until it has been shown pursuant to the requirements of § 192.42 (b) and (c) that the lessee or assignee is entitled to hold the acreage. Any party found to hold or control accountable acreage computed in accordance with the principles above set forth in excess of the prescribed limitations shall be given thirty days within which to file proof of the reduction of his holdings or control so as to conform with the prescribed limitation.

§ 192.4 *Acreage limitations on options.* (a) Acreage held under a non-renewable option, valid only for two years or such longer period as may be authorized by the Secretary, for the purpose of geological or geophysical exploration, shall not be chargeable under § 192.3, but no optionee, except as permitted by the act of August 8, 1946, may hold options at any one time for more than 100,000 acres in any one State.

(b) No such option shall be taken for more than two years without the prior approval of the Secretary of the Interior. Where it is sought to obtain such options for a period of more than two years, an application should be filed with the Director, Bureau of Land Management, accompanied by a complete showing as to the special or unusual circumstances which are believed to justify approval of the application by the Secretary.

(c) Within the meaning hereof, the term of any such option taken upon a lease not then issued shall be considered to begin as of the date of the lease.

(d) It shall be permissible for any such option to provide that where all or

¹ Leases heretofore issued until an election is filed as provided for in the regulations in this part shall continue to be governed by the pertinent provisions of the regulations in this part heretofore in force as well as by the regulations in this part to the extent that they are applicable.

any part of the land covered thereby is included in a cooperative or unit plan (as defined in § 192.20) duly executed by the parties and submitted to the Secretary for final approval prior to the expiration of the two-year option period, then, as to that part of the land covered by said option which is included in said cooperative or unit plan, such option shall not expire until a date 30 days after the date of final approval or disapproval by the Secretary of that cooperative or unit plan.

(e) No acreage shall be chargeable under options taken prior to June 1, 1946, on which geological or geophysical exploration has been actually made if exercised prior to August 9, 1948, except as against the 100,000 acre limitation referred to in paragraph (a) of this section, but no such option not so exercised will be recognized by the Department, thereafter, for any purpose.

(f) Each optionee must file with the Director, Bureau of Land Management, within 90 days after December 31 and June 30 of each year, commencing with the year ending December 31, 1946, a statement under oath showing as of the prior December 31 and June 30, respectively, (1) name of optionor and serial number of lease or application for lease subject to the option, (2) date and expiration date of each option, (3) number of acres covered by each option, and (4) aggregate number of options held in each state and total acreage thereof.

(g) If the statement shows or it is otherwise ascertained that the optionee holds options in excess of the prescribed limitation, he will be given 30 days within which to file proof of reduction of his option holdings to the limitations prescribed by the act.

§ 192.5 *Lands within one mile of naval petroleum or helium reserves.* No application for an oil and gas lease under the act will be granted for land within one mile of the exterior boundaries of a naval petroleum or a helium reserve, unless the land is being drained of its oil or gas deposits or helium content by wells on privately owned land or unless it is determined by the Secretary, after consultation with the head of the agency exercising jurisdiction over the reserve, that operations under such a lease will not adversely affect the reserve through drainage from known productive horizons.

§ 192.6 *Boundaries of known geologic structures and productive limits of producing oil or gas fields and deposits.* The Director of the Geological Survey will determine the boundaries of the known geologic structures of producing oil or gas fields and, where necessary to effectuate the purposes of the act, the productive limits of producing oil or gas deposits as such limits existed on August 8, 1946. Maps or diagrams showing the boundaries of known geologic structures of producing oil or gas fields and of the productive limits of producing oil or gas deposits will be placed on file in the appropriate district land office, and office of the oil and gas supervisor. Any lessee or his operator may apply to have a determination made as to whether or not the land upon which he intends to drill

a well is inside or outside the productive limits of a producing oil or gas deposit. The application should be accompanied by all available geologic data which in his opinion have a bearing on the matter.

§ 192.7 *Agreements to compensate for drainage.* Upon a determination by the Director of the Geological Survey that lands owned by the United States are being drained of oil or gas by wells drilled on adjacent lands, the Director, Bureau of Land Management, may execute agreements with the owners of adjacent lands whereby the United States, or the United States and its lessees, shall be compensated for such drainage, such agreements to be made with the consent of any lessee affected thereby. The precise nature of any agreement will depend on the conditions and circumstances involved in the particular case.

§ 192.8 *Protection of leased lands from drainage.* Where land in any lease is being drained of its oil or gas content by well either on a Federal lease issued at a lower rate of royalty or on land not the property of the United States, the lessee must drill and produce all wells necessary to protect the leased lands from drainage. In lieu of drilling such wells, the lessee may, with the consent of the Director of the Geological Survey, pay compensatory royalty in the amount determined in accordance with 30 CFR sec. 221.21.

A period equal to that for which compensatory royalty is paid in lieu of drilling on any Federal lease under this or the preceding section shall be added to its primary term where there is no producing well on the lease. For such purpose the primary term of a noncompetitive lease means the initial five year term and the single extension of five years authorized by section 17 of the act.

COOPERATIVE CONSERVATION PROVISIONS

§ 192.20 *Cooperative or unit plans.*² The act authorizes lessees and their representatives to unite with each other, or jointly or separately with others, in collectively adopting and operating under a cooperative or unit plan of development or operation of any oil or gas pool, field, or like area, or any part thereof (whether or not any part of such pool, field, or like area is then subject to any cooperative or unit plan of development or operation). The agreement must be for the purpose of more properly conserving the natural resources of any such oil or gas pool, field, or area covered thereby and must be determined and certified by the Secretary of the Interior to be necessary or advisable in the public interest. The Secretary, with the consent of the lessees, is authorized to establish, alter, change or revoke drilling, producing, rental, minimum royalty, and royalty requirements of the leases and to make such regulations with reference to such leases as he may deem necessary or proper to secure the protection of the public interest. All leases committed to any unit or cooperative plan approved or prescribed by the Sec-

retary of the Interior shall be excepted in determining acreage charges.

§ 192.21 *Application for approval of plan.* The procedure in obtaining approval of a cooperative or unit plan of development including suggested text of an agreement acceptable to the Department is contained in 30 CFR Part 226, "Unit or Cooperative Agreement". All applications to unitize and all documents incident thereto shall be filed in the office of the oil and gas supervisor, Geological Survey, for the region in which the unit area is situated.

§ 192.22 *Communitization or drilling agreements.* The Secretary is authorized when separate tracts under lease cannot be independently developed and operated in conformity with an established well-spacing or well-development program, to approve communitization or drilling agreements for lease or any portion thereof with other lands, whether or not owned by the United States, when in the public interest. Operations or production pursuant to such an agreement shall be deemed to be operations or production as to each lease committed thereto.

Preliminary requests to communitize separate tracts shall be filed in triplicate with the oil and gas supervisor and executed agreements shall be submitted in sufficient number to permit retention of five copies by the Department after approval.

The agreement shall describe the separate tracts comprising the drilling or spacing unit, shall show the apportionment of the production or royalties to the several parties and the name of the operator, and shall contain adequate provisions for the protection of the interests of all parties, including the United States. The agreement must be signed by or in behalf of all necessary parties and will be effective only after approval by the Secretary of the Interior as provided therein.

§ 192.23 *Approval of operating, drilling or development contracts without regard to acreage limitations.* The authority of the Secretary to approve operating, drilling, or development contracts without regard to acreage limitations ordinarily will be exercised only to permit operators or pipe-line companies to enter into contracts with a number of lessees sufficient to justify operations on a large scale for the discovery, development, production, or transportation of oil or gas and to finance the same.

A contract submitted for approval under this provision should be filed with the Director, Bureau of Land Management, together with enough copies to permit retention of 5 copies by the Department after approval. It should be accompanied by a statement showing all the interests held by the contractor in the area or field and the proposed or agreed plan of operation or development of the field. All the contracts held by the same contractor in the area or field should be submitted for approval at the same time, and full disclosure of the project made. Complete details must be furnished in order that the Secretary may have facts upon which to make a definite determination in accordance

²For the extension of leases committed to a unit plan, see § 192.122.

with the provisions of the act, and prescribe the conditions on which approval of the contracts is made.

§ 192.24 *Combinations for joint operation of refinery, or for transportation of oil.* Upon obtaining the approval of the Secretary, lessees may combine their interests in leases for the purpose of constructing and carrying on the business of a refinery, or of establishing and constructing as a common carrier a pipe line or lines of railroads to be operated and used by them jointly in the transportation of oil from their several wells or from the wells of other lessees, or to increase the acreage which may be acquired or held under the provisions of section 17 of the act relating to competitive leases. An application under this section, together with enough copies to permit retention of 5 copies by the Department after approval, should be filed with the Director, Bureau of Land Management. The application must show a reasonable need for the combination and that it will not result in any concentration of control over the production or sale of oil and gas which would be inconsistent with the anti-monopoly provisions of the law.³

§ 192.25 *Subsurface storage of oil or gas.* In order to avoid waste or to promote conservation of natural resources, the Secretary of the Interior, upon application by the interested parties, may authorize the subsurface storage of oil or gas, whether or not produced from federally owned lands, in lands leased or subject to lease under the act. Such authorization will provide for the payment of such storage fee or rental on the stored oil or gas as may be determined adequate in each case, or, in lieu thereof, for a royalty other than that prescribed in the lease when such stored oil or gas is produced in conjunction with oil or gas not previously produced. Any lease used for the storage of oil or gas shall be extended for the period of such storage and so long thereafter as oil or gas not previously produced is produced in paying quantities.

Applications for subsurface storage shall be filed in triplicate with the oil and gas supervisor and shall disclose the ownership of the lands involved, the parties in interest, the storage fee, rental, or royalty offered to be paid for such storage and all essential information showing the necessity for such project. Enough copies of the final agreement signed by the parties in interest shall be submitted for the approval of the Secretary to permit retention of 5 copies by the Department after approval.

ISSUANCE OF LEASES

§ 192.40 *Classes and term.* All lands subject to disposition under the act which are known or believed to contain oil or gas may be leased by the Secretary of the Interior. When within the known geologic structure of a producing oil or gas field, such land may be leased only by competitive bidding and in units of not exceeding 640 acres to the highest

responsible qualified bidder at a royalty of not less than 12½ percent. Leases for not to exceed 2,560 acres, in reasonably compact form, may be issued for all other land subject to the act to the first qualified applicant at a royalty of 12½ percent. Hereafter, all leases, except those issued as renewals of 20 year leases, will be issued for a primary term of five years and so long thereafter as oil or gas is produced in paying quantities.

§ 192.41 *Leases for lands wholly or partly within unit areas.* Before issuance of an oil and gas lease for lands within an approved unit agreement, the lease applicant or successful bidder will be required to file evidence that he has entered into an agreement with the unit operator for the development and operation of the lands in his lease under and pursuant to the terms and provisions of the approved unit agreement, or a statement giving satisfactory reasons for the failure to enter into such agreement. If such statement is acceptable he will be permitted to operate independently but will be required to conform to the terms and provisions of the agreement with respect to such operations.

In case an application for lease embracing lands partly within and partly without the exterior boundaries of a unitized area is found allowable, separate leases will be issued, one embracing the lands within the unit area, and one the lands outside of such area.

A. Noncompetitive Leases

§ 192.42 *Applications for noncompetitive leases.* Applications for noncompetitive leases may be filed in the proper district land office or, for lands or deposits in States in which there is no district land office, in the Bureau of Land Management, addressed to the Director of the Bureau of Land Management. All applications must be accompanied by the filing fee prescribed in § 191.11 of this chapter, and at least one-half of the first year's rental. Any application not accompanied by the minimum fee and rental payment will be rejected. No specific form of application is required and no blanks will be furnished. An application executed by an attorney in fact must be accompanied by the power of attorney and the applicant's own statement⁴ as to his citizenship and acreage holdings. Proof of the authority of the officer who makes application on behalf of a corporation must be furnished.

The application must contain in substance the following:

(a) The applicant's name and address.

(b) A statement as to citizenship: In case of an individual, whether native-born or naturalized and, if naturalized, date of naturalization, court in which naturalized, and number of certificate, if known; if a woman, whether she is married or single; if married, the date

⁴ Title 18 U. S. C. sec. 80 makes it a crime for any person knowingly or willfully to submit or cause to be submitted to any agency of the United States any false or fraudulent statement as to any matter within its jurisdiction.

of her marriage and the citizenship of her husband; if a corporation, by certified copy of the articles of incorporation and a showing as to residence and citizenship of the stockholders; if 20 percent or more of the stock of any class is owned or controlled by any one stockholder, a separate showing of his citizenship and holdings. In case any of the stock of the corporation is held by aliens, a showing is required giving, to the extent reasonably ascertainable, the name, the country to which each owes allegiance and the amount of stock held by each.

(c) A statement of the interests, direct and indirect, held by the applicant in oil and gas leases, and applications therefor on public lands in the same State, identifying by serial number the records wherein such interests may be found.

(d) Description of the lands for which a lease is desired, describing the lands by legal subdivisions or, if unsurveyed, by metes and bounds description connected with a corner of the public surveys by courses and distances.

(e) A statement that the applicant is ready upon demand to pay the remainder of the rental and to furnish such bond or bonds as may be required under the lease or regulations.

Where any required information or statements are already on file with the Department, the showing required by the regulations of this part may to that extent be made by appropriate reference to the information or statements already on file.

§ 192.43 *Simultaneous applications for lands in canceled leases and permits.* Where oil and gas leases are canceled involving lands not within a known geologic structure of a producing oil or gas field, the cancellation will be noted on the tract book as effective at 9 o'clock a. m. on the tenth business day after such notation, and notice of the opening, including the land description, will be posted in a conspicuous place in the district land office during the 10 day period.

Conflicting applications filed by mail or otherwise after the notice is posted and prior to the hour of opening will be considered as filed simultaneously; and their priority will be determined by a public drawing following the procedure prescribed in § 295.8 (d) of this chapter, except as hereinafter otherwise provided.

Each applicant will be notified of the date and hour of the drawing and required within 15 days to pay a drawing fee of \$10 and to furnish a statement that the application is filed solely on his own behalf and not for any other person, association, or corporation, either in whole or in part. If any applicant fails to comply with the requirements, his application will not be entered in the drawing but will be rejected without further notice. If only one applicant complies with the requirements of this paragraph, no drawing will be held and the fee will be returned.

§ 192.44 *Form of lease.* Noncompetitive leases will be executed on Form 4-213 and the rentals and royalties pay-

³ Rights-of-way for oil and gas pipe lines may be granted as provided for in §§ 244.56 to 244.61 of this chapter.

able thereunder will be set forth in Schedule A affixed thereto and made a part thereof.

B. Competitive Leases

§ 192.50 *Designation and offer of lands for lease by competitive bidding.* The lands and deposits subject to disposition under the act which are within the known geologic structure of a producing oil or gas field will be divided into leasing blocks or tracts in units of not exceeding 640 acres each, which shall be as nearly compact in form as possible, and offered for lease at a royalty and rental to be specified in the notice of sale, to the qualified person who offers the highest bonus by competitive bidding either at public auction, or by sealed bids as provided in the notice of sale.

§ 192.51 *Notice of lease offer.* Notice of the offer of lands for lease will be by publication once a week for five consecutive weeks, or for such other period as may be deemed advisable, in a newspaper of general circulation in the county in which the lands or deposits are situated, or in such other publications as the Director, Bureau of Land Management may authorize. The notice will be published at the expense of the Government. A copy of the notice will be posted in the district land office during the period of publication. Such notice will set the day and hour of sale and will state whether the lease is offered by sealed bids or at public auction. If by public auction, the offer will be made at the land office of the district in which the lands are situated, or at such other place as may be fixed in the notice. If by sealed bids, full information will be given as to how and when bids are to be submitted. All bidders are warned against violation of the provisions of section 59 of the United States Criminal Code, approved March 4, 1909 (35 Stat. 1099; 18 U. S. C. 113), prohibiting unlawful combination or intimidation of bidders.

§ 192.52 *Qualifications of successful bidder.* The successful bidder at a sale by public auction must deposit with the manager of the district land office or other officer conducting the sale on the day of sale, and each bidder, if the sale is by sealed bids, must submit with his bid the following: Certified check on a solvent bank, money order, or cash, for one-fifth of the amount bid by him; proof of citizenship as required in § 192.42 (b) and a statement of interests held in leases and applications therefor as required in § 192.42 (c).

§ 192.53 *Award of lease.* Following receipt of the report of the auction from the manager, or the opening of the sealed bids, the Director, subject to his right to reject any or all bids, will award the lease to the successful bidder. Notice of his action will be forthwith transmitted to the interested parties through the local office. If the lease be awarded, three copies of the lease will be sent to the successful bidder and he will be required within 30 days from receipt thereof to execute them, pay the balance of his bonus bid, the first year's rental, and file a bond as required in § 192.100. If any

bid be rejected, the deposit will be returned. If a bidder, after being awarded a lease, fails to execute it or otherwise comply with the applicable regulations, his deposit will be forfeited and disposed of as other receipts under this act.

If two or more units are awarded to any bidder, such units, where the acreage does not exceed 640 acres, may be included in a single lease if circumstances warrant.

§ 192.54 *Form of lease.* Competitive leases will be issued on Form 4-213 and the rentals and royalties payable thereunder will be set forth in Schedule "B" affixed thereto and made a part thereof.

C. Exchange and Renewal Leases

§ 192.60 *Application to exchange lease for a new lease.* Any lease which issued for a term of 20 years, or any renewal thereof, or which issued in exchange for a 20-year lease prior to August 8, 1946, may be exchanged for a new lease. Such new lease will be issued for a primary term of 5 years and so long thereafter as oil or gas is produced in paying quantities and will contain the rental and royalty rates prescribed in §§ 192.80, 192.81 and 192.82. An application to exchange a lease for a new lease should be filed in triplicate by the lessee with the manager of the appropriate district land office and must show full compliance by the applicant with the terms of the lease and applicable regulations.

§ 192.61 *Application for renewal.* Twenty year leases or renewals thereof may be renewed for successive terms of 10 years at the rental and royalty rates specified for such renewal leases in §§ 192.80, 192.81 and 192.82. An application to renew should be filed in triplicate with the manager of the district land office in which the leased land is located or if in a State in which there is no district land office, in the Bureau of Land Management at least 90 days, but not more than six months, prior to the expiration of its term. Such application should be made by the record title holder or holders of the lease and may be joined in or consented to by the operator of record. The application should show whether all moneys due the United States have been paid and whether operations under the lease have been conducted in accordance with the regulations of the Department.

The applicant or his operator shall furnish in triplicate with the application for renewal, copies of all agreements not theretofore filed providing for overriding royalties or other payments out of production from the lease which will be in existence as of the date of its expiration. When such payments, including overriding royalties, are in excess of 5 per cent of gross production a detailed statement of the income from and costs of operation of the lease for the twelve month period immediately preceding the month in which the application for renewal is filed must also be furnished.

§ 192.62 *Action on application.* If the outstanding obligations in excess of five per cent of gross production payable from production do not constitute a burden on the lease prejudicial to the inter-

ests of the United States, they will not be considered a bar to its renewal but any leave that may be issued will be upon the condition, to be incorporated in the lease, that if and when the costs of operations, including the payment of overriding royalties or payments out of production, shall be determined by the Director, Bureau of Land Management, to constitute such a burden such royalties and payments shall be reduced to not more than 5 per cent of the value of the production. If no objection to the renewal of the lease appears, copies of a renewal lease, in triplicate, dated the first day of the month in which the original lease terminated, will be forwarded to the lessee for execution. If upon receipt of the executed lease forms and a satisfactory lease bond, the lease is executed, one copy thereof will be delivered to the lessee.

If a determination is made that overriding royalties and payments out of production in excess of 5 per cent of gross production constitute a burden on lease operations to the extent that proper and timely development will be retarded, or continued operation of the lease impaired, or premature abandonment of the wells caused, the lease application will be suspended and the parties in interest will be offered an opportunity to reduce the excessive overriding royalties or other payments out of production to not more than 5 per cent of the value of the production. If the holders of outstanding overriding royalty or other interests payable out of production, the operator, and the lessee are unable to enter into a mutually fair and equitable agreement, any of the parties may apply for a hearing at which all interested parties may be heard and written statements presented. Thereupon a final decision will be rendered by the Department outlining the conditions acceptable to it as a basis for a fair and reasonable adjustment of the excessive overriding royalties and other payments out of production, and an opportunity will be afforded within a fixed period of time to submit proof that such adjustment has been effected. Upon failure to submit such proof within the time so fixed, the application for renewal will be denied.

§ 192.63 *Form of lease.* Renewal and exchange leases will be issued on Form 4-213. The rentals and royalties payable thereunder will be set out on Schedule C or D as may be appropriate, which schedule is attached thereto and made a part thereof.

D. Leases on Patented or Entered Land

§ 192.70 *Preference right of patentee or entryman to a lease.* An entryman or patentee who made entry prior to February 25, 1920, or an assignee of such entryman or a vendee of such patentee if the assignment or conveyance was made prior to January 1, 1918, for lands not withdrawn or classified or known to be valuable for oil and gas at date of entry shall be entitled, if the entry or patent is impressed with a reservation of the oil or gas, to a preference right to a lease for the land. A settler whose settlement was made prior to February 25, 1920, on

land in the same status but which has since been withdrawn, classified or is known to contain oil or gas, also has such preference right.

Any applicant for a lease to lands owned, entered or settled upon as stated above must notify the person entitled to a preference right of the filing of the application and of the latter's preference right for 30 days after notice to apply for a lease. If the party entitled to a preference right files a proper application within the 30 day period he will be awarded a lease, but if he fails to do so, his rights will be considered to have terminated.

§ 192.71 *Lands in entries or claims not impressed with a reservation of oil and gas.* Where an application is filed to lease lands in an entry or settlement claim not impressed with an oil or gas reservation, the application will be rejected unless it is found that the land is prospectively valuable for oil or gas. An applicant for a lease for land already embraced in a nonmineral entry without a reservation of the mineral, and likewise a nonmineral entryman or settler who is contending that the land is nonmineral in character should submit with their respective applications or showings as complete and accurate geologic data as may be procurable, preferably the reports and opinions of qualified experts.

Should the land be found to be prospectively valuable for oil or gas, the entryman or settler will be required to consent to a reservation of the oil or gas to the United States or to contest the mineral finding. If he does neither the entry will be canceled or his settlement rights denied. If he consents, or contests the finding and is unsuccessful, a lease will be granted to the applicant, unless the entryman or settler has a preference right, but if the entryman or settler prevails in a contest, the application will be rejected.

§ 192.72 *Showing required of oil and gas applicants for unsurveyed lands.* Every applicant for oil and gas lease for unsurveyed lands, must state in his application that there are no settlers upon the land, or if there be settlers, give the name and post office address of each and a description of the lands claimed, by metes and bounds and approximate legal subdivisions.

RENTALS AND ROYALTIES

§ 192.80 *Rentals.* Rentals shall be payable in advance at the following rates:

(a) On noncompetitive leases issued under section 17 of the act, wholly outside of the known geologic structure of a producing oil or gas field:

(1) For the first lease year, 50 cents per acre.

(2) For the second and third lease years, no rental.

(3) For the fourth and fifth years, 25 cents per acre.

(4) For the sixth and each succeeding year, 50 cents per acre.

(b) On leases wholly or partly within the geologic structure of a producing oil or gas field:

(1) If issued noncompetitively under section 17 of the act, and not committed

to a unit plan, beginning with the first lease year after the expiration of thirty days notice to the lessee that all or part of the land is included in such a structure and for each year thereafter, prior to a discovery of oil or gas on the leased lands, rental of \$1 per acre.

(2) If issued noncompetitively under section 17 of the act and committed to an approved cooperative or unit plan which includes a well capable of producing oil or gas and contains a general provision for allocation of production, for lands not within the participating area, an annual rental of 50 cents per acre for the first and each succeeding lease year following discovery.

(3) If issued competitively, an annual rental, prior to a discovery on the leased lands, of \$1 per acre unless a different rate of rental is prescribed in the lease.

(c) On leases issued in any other way an annual rental of \$1 per acre.

§ 192.81 *Minimum royalty.* On leases issued on or after August 8, 1946, and on those issued prior thereto if the lessee files an election under section 15 of the act of August 8, 1946, a minimum royalty of \$1 per acre in lieu of rental, shall be payable at the expiration of each lease year after a discovery has been made on the leased lands, commencing with the lease year, beginning on or after the date of such discovery, except that on unitized leases the minimum royalty shall be payable only on the participating acreage. If the actual royalty paid during any year aggregates less than \$1 per acre the lessee must pay the difference at the expiration of the lease year.

§ 192.82 *Royalty on production.* (a) On and after August 8, 1946, the following royalty rates shall be paid on the production removed or sold from leases:

(1) 12½ per cent on noncompetitive leases thereafter issued under section 17 of the act.

(2) Such rates as are prescribed in the notice of sale in the case of all leases thereafter issued by competitive bidding.

(3) 12½ per cent on all leases theretofore issued, except competitive leases, and on exchange and renewal leases thereafter issued, as to production from

(i) Land determined by the Director, Geological Survey, not to be within the productive limits of any oil or gas deposit on August 8, 1946.

(ii) An oil or gas deposit which was discovered after May 27, 1941, by a well or wells drilled within the boundaries of the lease and which is determined by the Director, Geological Survey, to be a new deposit.

(iii) Or allocated to a lease pursuant to an approved unit or cooperative agreement from an oil or gas deposit which was discovered on unitized land after May 27, 1941, and determined by the Director, Geological Survey, to be a new deposit, but only if at the time of discovery the lease or, in the case of an exchange lease, the lease for which it was exchanged was committed to the agreement or was included in a duly executed and filed application for approval of the agreement.

(4) From lands within exchange and renewal leases not subject to subparagraph (3) of this paragraph the rate of

royalty shall be identical to that prescribed in the prior lease, except that for a lease issued in exchange for or as a renewal of a lease carrying a flat royalty rate of 5 per cent to the United States the royalty shall be as follows:

(i) When the average production of oil for the calendar month in barrels per well per day is:

Not over 110 the royalty shall be 12½ %.

Over 110 but not over 130 the royalty shall be 18% of all production.

Over 130 but not over 150 the royalty shall be 19% of all production.

Over 150 but not over 200 the royalty shall be 20% of all production.

Over 200 but not over 250 the royalty shall be 21% of all production.

Over 250 but not over 300 the royalty shall be 22% of all production.

Over 300 but not over 350 the royalty shall be 23% of all production.

Over 350 but not over 400 the royalty shall be 24% of all production.

Over 400 the royalty shall be 25% of all production.

(ii) On gas, including inflammable gas, helium, carbon dioxide, and all other natural gases and mixtures thereof, and on natural or casinghead gasoline and other liquid products obtained from gas; when the average production of gas per well per day for the calendar month does not exceed 5,000,000 cubic feet, 12½ per cent; and when the production of gas exceeds 5,000,000 cubic feet, 16½ percent of the amount or value of the gas and liquid products produced.

(5) In the case of competitive leases, and other leases theretofore issued, insofar as subparagraphs (3) and (4) of this paragraph are inapplicable, the rates specified in the lease.

(b) The average production per well per day for oil and for gas shall be determined pursuant to 30 CFR, Part 221, "Oil and Gas Operating Regulations."

(c) In determining the amount or value of gas and liquid products produced, the amount or value shall be net after an allowance for the cost of manufacture. The allowance for cost of manufacture may exceed two-thirds of the amount or value of any product only on approval by the Secretary of the Interior.

(d) The Secretary of the Interior may establish reasonable values for purposes of computing royalty on any or all oil, gas, natural gasoline, and other liquid products obtained from gas, due consideration being given to the highest price paid for a part or for a majority of production of like quality in the same field, to the price received by the lessee, to posted prices and to other relevant matters. In appropriate cases this will be done after notice to the parties and opportunity to be heard.

§ 192.83 *Limitation of overriding royalties.* No overriding royalty interests, whether in the form of payments out of production or otherwise, aggregating in excess of 5 per cent shall be created except in a lease where the royalty payable to the United States is less than 12½ per cent. In such a lease the total royalty including that payable to the Government shall not exceed 17½ per cent. Contracts for payments out of production will not be construed to create an overriding royalty obligation where they

provide that the obligation to make such payments shall be effective only during those periods when the average daily production from the lease is in excess of 15 barrels of oil per well per day.

BONDS

§ 192.100 *Amount of bonds required of lessee.* The successful bidder for a competitive lease prior to the issuance of the lease must furnish a corporate surety bond in the sum of at least double the amount of the \$1 per acre annual rental but in no case less than \$1,000 nor more than \$5,000, conditioned on compliance with all the terms of the lease, and such a bond must also be filed when all or any part of the land in a lease issued noncompetitively is included within the limits of a known geologic structure of a producing oil or gas field.

Until a general lease bond is filed a noncompetitive lessee will be required to furnish and maintain a bond in the penal sum of not less than \$1,000 in those cases in which a bond is required by law for the protection of the owners of surface rights. In all other cases where a bond is not otherwise required, a \$1,000 bond must be filed for compliance with the lease obligations not less than 90 days before the due date of the next unpaid annual rental, but this requirement may be successively dispensed with by payment of each successive annual rental not less than 90 days prior to its due date.

All leases shall provide that where a \$5,000 bond is not already being maintained a general lease bond in the penal sum of \$5,000 conditioned upon compliance with all lease terms covering the entire leasehold, shall be furnished by the lessee prior to the beginning of drilling operations. An operator or, if there is more than one operator covering different portions of the lease, each operator may furnish a \$5,000 general lease bond in his own name as principal on the bond in lieu of the lessee. Where there are one or more operator's bonds affecting a single lease, each such bond must be conditioned upon compliance with all lease terms for the entire leasehold. Where a bond is furnished by an operator, suit may be brought thereon without joining the lessee if he is not a party to the bond.

Bonds shall be either corporate surety bonds or personal bonds except that bonds with individual sureties as provided in § 191.14 of this chapter may be furnished for the protection of the entryman or owner of surface rights. Personal bonds must be accompanied by a deposit of negotiable Federal securities in a sum equal at their par value to the amount of the bond and by a proper conveyance to the Secretary of full authority to sell such securities in case of default in the performance of the conditions of the lease bond.

§ 192.101 *Form of bonds.* Bonds furnished by lessees will be on form 4-208g; those furnished by operators on form 4-238.

CONTINUATION OR EXTENSION OF LEASE*

§ 192.120 *Single extension as to lands not in a production field.* The record title holder of any noncompetitive lease, as to which a notice of election has been filed pursuant to section 15 of the act of August 8, 1946, or which was issued after the passage of that act, maintained in compliance with the law and the regulations of this part, by filing his application therefor within the period of 90 days prior to the expiration date of the lease, may obtain a single extension of the primary term of the lease for additional five years, unless then otherwise provided by law, as to all of the leased lands or any legal subdivision thereof which, on the expiration date of the lease, are not within the known geologic structure of any producing oil or gas field or have not been withdrawn from leasing. A withdrawal, however, will prevent an extension only (a) if notice thereof was mailed to the lessee by registered mail at least 90 days prior to the expiration date of the lease and (b) if actual drilling operations on the leased lands were not commenced prior to the effective date of such withdrawal, or, if so commenced, have not been diligently prosecuted until and including such expiration date.

§ 192.121 *Continuation of lease as to lands within producing fields and on termination of production.* (a) Any noncompetitive lease or portion thereof which is not subject to a single extension of five years solely because the lands are within the known geologic structure of a producing oil or gas field at the date of expiration of the primary term of the lease shall continue in effect for a period of two years from the expiration date of the primary term of the lease where drilling operations are being diligently prosecuted on such date and, upon discovery, for so long thereafter as oil or gas is produced in paying quantities.

(b) Any lease issued under the act upon which production is had during its primary term or any extensions thereof, shall not terminate when the production ceases if diligent drilling operations are in progress on the leased land during the period of nonproduction.

§ 192.122 *Extension for term of cooperative or unit plan.* Any lease issued for a term of 20 years, or any renewal thereof, committed to a cooperative or unit plan approved by the Secretary of the Interior, or any portion of such lease so committed, shall continue in force so long as committed to the plan, beyond the expiration date of its primary term. This provision does not apply to that portion of any such lease which is not included in the cooperative or unit plan unless the lease was so committed prior to August 8, 1946.

Any other lease issued under any section of the act committed to any such

* For extension of lease (a) because of suspension of operations and production, see § 191.26 of this chapter; (b) by payment of compensatory royalty, see § 192.8; (c) committed to communitization or drilling agreement, see § 192.22; (d) used for subsurface storage, see § 192.25; (e) segregated by assignment, see § 192.144.

plan that contains a general provision for the allocation of oil or gas shall continue in effect as to the land committed so long as the lease remains subject to the plan, provided oil or gas is discovered under the plan prior to the expiration date of the primary term of such lease.

§ 192.123 *Extension of lease eliminated from cooperative or unit plan or communitization or drilling agreement and of lease in effect at termination of such plan or agreement.* Any lease or portion thereof eliminated from any approved or prescribed cooperative or unit plan or from any communitization or drilling agreement authorized by the act, and any lease in effect at the termination of such plan or agreement, unless relinquished, shall continue in effect for the original term of the lease, or for two years after its elimination from the plan or agreement or the termination thereof, whichever is the longer, and so long thereafter as oil or gas is produced in paying quantities.

§ 192.130 *Preference right to a new lease.* Upon the expiration of its five year term the record title holder of a noncompetitive lease issued prior to August 8, 1946 and maintained in good standing, who has not filed a notice of election pursuant to section 15 of the act of August 8, 1946, may apply for a new lease for the same land pursuant to the provisions of section 1 of the act of July 29, 1942 (56 Stat. 726, 30 U. S. C. sec. 226b), provided the leased land is not then within the known geologic structure of a producing oil or gas field. Any lease issued under this section will be for a period of five years and so long thereafter as oil or gas is produced as provided in section 17 of the act and will be subject to the rules and regulations then in force.

To obtain such a new lease, the lessee must, within the period beginning 90 days prior to the date of expiration of the lease and ending on the date of expiration, submit an application in accordance with § 192.42, accompanied by a proper filing fee and the first year's rental of 50 cents per acre or fraction thereof.

ASSIGNMENTS OR TRANSFERS

§ 192.140 *Assignments or transfers of leases or interests therein.* Leases may be assigned or subleased as to all or part of the leased acreage and as to either a divided or undivided interest therein to any person or persons qualified to hold a lease. Subject to final approval by the Director, Bureau of Land Management, assignments or subleases shall take effect as of the first day of the lease month following the date of filing in the proper land office of all the papers required by §§ 191.141 and 192.142. No assignment will be approved if the assignee is not qualified to take and hold a lease or if his bond is insufficient. An assignment of a separate zone or deposit or of a part of a legal subdivision will not be approved unless the necessity therefor is established by clear and convincing evidence.

§ 192.141 *Requirements for filing assignments or transfers.* All instruments of transfer of a lease or of an interest therein, including assignments of record title, working, or royalty interests, operating agreements and subleases, must be filed for approval within 90 days from the date of final execution and must contain all of the terms and conditions agreed upon by the parties thereto, together with evidence of the qualifications of the assignee or transferee, consisting of the same showing required of a lease applicant by § 192.42 (b) and (c). If a bond is necessary, it must be furnished. Where an assignment does not create separate leases, the assignee, if the assignment so provides, may become a joint principal on the bond with the assignor. If any overriding royalty or payments out of production are created which are not shown in the instrument, a statement must be submitted describing them. Assignments of record title interests must be filed in triplicate. A single executed copy of all other instruments of transfer is sufficient.

The assignor or sublessor and his surety will continue to be responsible for the performance of any obligation under the lease until the assignment or sublease is approved. If the assignment or transfer is not approved, their obligations to the United States shall continue as though no such assignment or transfer had been filed for approval. After approval the assignee or sublessee and his surety will be responsible for the performance of all lease obligations notwithstanding any terms in the assignment or sublease to the contrary.

The lease account must be in good standing as to the area covered by the assignment when the assignment and bond are filed, or must be placed in good standing before approval will be given.

§ 192.142 *Separate assignments required for transfer of record title to*

leases. A separate instrument of assignment must be filed for each oil and gas lease when transfers involve record titles. When transfers to the same person, association, or corporation, involving more than one oil and gas lease are filed at the same time for approval, one request for approval and one showing as to the qualifications of the assignee will be sufficient.

§ 192.143 *Effect of assignment of particular tract.* When an assignment is made of all or part of the record title to a portion of the acreage in a lease, the assigned acreage becomes segregated into a separate and distinct lease. The assignee becomes a lessee of the Government as to the segregated tract and is bound by the terms of the lease as though he had obtained the lease through an application filed in his own name and the assignment after its approval will be the basis of a new record.

§ 192.144 *Extension of leases segregated by assignment.* (a) Any lease segregated by assignment, including the retained portion, shall continue in effect for the primary term of the original lease, or for two years after the date of discovery of oil or gas in paying quantities upon any other segregated portion of the original lease, whichever is the longer period.

(b) Undeveloped parts of leases assigned out of leases which are in their extended term because of production shall continue in effect for two years and so long thereafter as oil or gas is produced in paying quantities.

§ 192.145 *Royalty interests in oil and gas leases and assignments thereof.* Royalty interests in oil and gas leases constitute holdings or control of lands and deposits within the meaning of the first sentence of section 27 of the act. Assignments of such interest must be filed for record purposes in the appropri-

ate district land offices accompanied by a showing by the assignees as to their citizenship and holdings in other oil and gas leases in the state. All assignments of royalty interests must be filed for the record, but only those of more than 1 percent will be approved and then only after discovery.

TERMINATION OF LEASES

§ 192.160 *Relinquishments of leases or portions thereof.* A lease or any legal subdivision thereof may be surrendered by the record title holder by filing a written relinquishment, in triplicate, in the proper land office. A relinquishment shall take effect on the date it is filed subject to the continued obligation of the lessee and his surety to make payment of all accrued rentals and royalties and to place all wells on the land to be relinquished in condition for suspension or abandonment in accordance with the regulations and the terms of the lease. A statement must be furnished that all moneys due and payable to workmen employed on the leased premises have been paid.

§ 192.161 *Cancellation of lease.* Any lease not known to contain valuable deposits of oil or gas may be canceled by the Secretary of the Interior, after giving notice in accordance with section 31 of the act, whenever the lessee fails to comply with any of the provisions of the act, of the regulations issued thereunder, or of the lease, if such default continues for the period prescribed in that section after service of notice thereof. Leases known to contain valuable deposits of oil or gas may be canceled only by judicial proceedings in the manner provided in sections 27 and 31 of the act.

FRED W. JOHNSON,
Acting Director.

Approved: October 28, 1946.

OSCAR L. CHAPMAN,
Acting Secretary of the Interior.

Circular No. 1624(a)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

PART 192 - OIL AND GAS LEASES

AUTHORITY: Sections 192.4(c) and (e), 192.40, 192.83, 192.141 and 192.145 issued under 41 Stat. 450, 30 U.S.C. 189, Act of August 8, 1946 (60 Stat. 950).

Sections 192.4(c) and (e), 192.40, 192.83, 192.141 and 192.145, (Circular 1624) are amended to read as follows:

192.4(c) Within the meaning hereof, options may be taken only on lands embraced in leases or applications for leases and the acreage included in any such option taken upon an application or a lease shall be chargeable from and after the date of such option.

192.4(e) No acreage shall be chargeable under options taken prior to June 1, 1946, on which geological or geophysical exploration has been actually made if exercised prior to August 9, 1948, but no such option not so exercised will be recognized by the Department, thereafter, for any purpose.

192.40 Classes and term. All lands subject to disposition under the act which are known or believed to contain oil or gas may be leased by the Secretary of the Interior. When within the known geologic structure of a producing oil or gas field, such land may be leased only by competitive bidding and in units of not exceeding 640 acres to the highest responsible qualified bidder at a royalty of not less than 12 1/2 per cent. Leases for not to exceed 2,560 acres, in reasonably compact form, may be issued for all other land subject to the act to the first qualified applicant at a royalty of 12 1/2 per cent. No single lease will be issued embracing lands which cannot be included within a six mile square

*Obsolete
Replaced by 1840*

area. Where an application covers tracts which cannot be so contained two or more leases, as may be necessary, will be issued. The right is reserved to suspend, or reject in whole or in part, applications involving scattered tracts considerably more than six miles apart. Hereafter, all leases, except those issued as renewals of 20 year leases, will be issued for a primary term of five years and so long thereafter as oil or gas is produced in paying quantities.

192.83 Limitation of overriding royalties. Any agreement to create overriding royalties or payments out of the production of any lease which, when added to overriding royalties or payments out of production previously created and to the royalty payable to the United States, aggregate in excess of 17 1/2 per cent shall be deemed a violation of the terms of the lease unless such agreement expressly provides (a) that the obligation to pay such excess overriding royalties or payments out of production will be suspended and not be effective during any periods when the average production per well per day is 15 barrels or less, and (b) that such suspension will apply separately to any zone or portion of a lease segregated for computing Government royalty.

192.141 Requirements for filing assignments or transfers. All instruments of transfer of a lease or of an interest therein, including assignments of record title, working or royalty interests, operating agreements and subleases, must be filed for approval within 90 days from the date of final execution and must contain evidence of the qualifications of the assignee or transferee, consisting of the same showing required of a lease applicant by section 192.42(b) and (c) hereof. If a bond is necessary, it must be furnished. Where an assignment does not create separate leases, the assignee, if the assignment so provides, may become a joint principal on the bond with the assignor. Assignments of record title interests must be filed in triplicate. A single executed copy of all other instruments of

transfer is sufficient. If the instrument or an accompanying statement does not show the full and true amounts of all overriding royalties or payments out of production, any decision approving the transfer will require the transferee to furnish within 30 days from notice a complete showing of all outstanding overriding royalties and payments out of production affecting the transferred land, not theretofore shown, and upon his failure to do so the lease will be cancelled as provided in section 161 of this Part.

The assignor or sublessor and his surety will continue to be responsible for the performance of any obligation under the lease until the assignment or sublease is approved. If the assignment or transfer is not approved, their obligations to the United States shall continue as though no such assignment or transfer had been filed for approval. After approval the assignee or sublessee and his surety will be responsible for the performance of all lease obligations notwithstanding any terms in the assignment or sublease to the contrary.

Unless the lease account is in good standing as to the area covered by the assignment when the assignment and bond are filed, or is placed in good standing before the assignment is reached for action the lease will be cancelled as provided in section 161 of this Part.

192.145 Royalty interests in oil and gas leases and assignments thereof.

Royalty interests in oil and gas leases constitute holdings or control of lands and deposits within the meaning of the first sentence of section 27 of the Act. Assignments of such interest must be filed for record purposes in the appropriate district land offices accompanied by a showing by the assignees as to their citizenship and holdings in other oil and gas leases in the state. All assignments of royalty interests must be filed for the record, but those of 1 per cent or less will be approved only upon specific request and then only after discovery. Any

assignment of 1 per cent or less if filed for record will be deemed to be valid whether formally approved or not.

The last sentence of the first paragraph of section 192.42 is amended to read as follows:

Proof of the authority of the officer or agent who makes application on behalf of a corporation must be furnished.

Sec. 2(r) Oil and Gas Lease Form 4-213 provided for in Sec. 192.44, Title 43 of the Code of Federal Regulations is hereby amended to read as follows:

(r) Overriding royalties. To limit the obligation to pay overriding royalties or payments out of production in excess of 5 per cent to periods during which the average production per well per day is 15 barrels or less on an entire leasehold or any part of the area thereof or any zone segregated for the computation of royalties.

(Sgd) Oscar L. Chapman,

Acting Secretary of the Interior.

June 6, 1947

Circular No. 1624(b)

*Obsolete
replaced by
Circular 1840*

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR
CHAPTER I - BUREAU OF LAND MANAGEMENT

PART 192 - OIL AND GAS LEASES

The last paragraph of Circular 1624(a), approved June 6, 1947, amending Sec. 2(r) of Oil and Gas Lease Form 4-213, ¹/₁ is revoked and Sec. 2(q) of the lease form is amended to read as follows:

(q) Overriding royalties. To limit the obligation to pay overriding royalties or payments out of production in excess of 5 per cent to periods during which the average production per well per day is more than 15 barrels on an entire leasehold or any part of the area thereof or any zone segregated for the computation of royalties. (Sec. 32, 41 Stat. 450, 30 U.S.C. 189; Act of August 8, 1946, 60 Stat. 950).

(SGD) Oscar L. Chapman

Acting Secretary of the Interior.

JUL 17 1947

Circular No. 1625

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Land Management
Washington

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

*Obsolete
See Circ. 1845
Amended by Circ.
1645*

PART 147 - EXCHANGES BY STATES UNDER TAYLOR GRAZING ACT

The last paragraph of Section 147.2 is amended to read as follows:

State-owned lands, as well as school sections surveyed and unsurveyed the title to which has not yet vested in the State, located within national forests, national parks and monuments, Indian or other reservations or withdrawals, may be offered as a basis for an exchange under said section 8 of the Taylor Grazing Act as amended, where the selected lands are not within a grazing district. Where the selected lands are within a grazing district, lands within such reservations or withdrawals may be offered as a basis for an exchange only if the Secretary of the Interior determines that the exchange would not interfere with the administration or value of the remaining lands in the grazing district for grazing purposes.

(Sgd) Fred W. Johnson,

Acting Director.

Approved: November 1, 1946.

(Sgd) Oscar L. Chapman,

Acting Secretary of the Interior.

Circular No. 1626

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Washington

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

PART 196 - PHOSPHATE LEASES

The first sentence of section 196.9 of Title 43 of
the Code of Federal Regulations is hereby amended to
read as follows:

"Notice of the offer of lands or deposits for
lease will be given by publication once a week
for five consecutive weeks, or for such other
period as may be deemed advisable, in a news-
paper of general circulation in the county in
which the lands or deposits are situated, or in
such other publications as the Director, Bureau
of Land Management, may authorize."

(Sgd) Fred W. Johnson,
Acting Director.

Approved: November 4, 1946.

(Sgd) Oscar L. Chapman,
Acting Secretary of the Interior.

*Obsolete
in Circ 1738*

October 10, 1935

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Washington

OFFICE OF FEDERAL RESERVATION
FILE NO. - PUBLIC LANDS, INTERIOR

FILE NO. - PRIVATE LANDS

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CIRCULAR NO. 1629

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Land Management
Washington

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR
SUBCHAPTER A - ALASKA

PART 60 - APPLICATIONS AND ENTRIES

The following text is added to Part 60:

JOINT ACTIONS BY TEN OR MORE PERSONS

60.5 Joint action to acquire public lands in Alaska.

(a) Ten or more persons may file in the proper district land office applications in a single group under any one or more of the laws relating to the acquisition of lands in Alaska, including the Homestead Laws (30 Stat. 409; 32 Stat. 1028, 48 U. S. C. sec. 371), Small Tract Laws (52 Stat. 609, 59 Stat. 467, 43 U. S. C. sec. 682a), Home-Site Law (48 Stat. 809, 48 U. S. C. sec. 461) and Town-Site Laws (R. S. 2380-2389, as amended, 43 U. S. C. secs. 711-722; 26 Stat. 1099, 48 U. S. C. sec. 355). Each application must be complete in itself except that information common to more than one application in a group need not be duplicated at length but may appear in or as an appendix to one such application and be adopted by reference made in the other applications.

(b) All claims to specified tracts of land must be initiated in the manner required by law. Where certain requirements must be met before an application to enter or purchase may be filed, as statement of intention to meet such requirements, signed by each prospective applicant, must be submitted in lieu of an application. Upon compliance with applicable requirements as to residence or otherwise, each such person must file an actual application as required by law.

(c) Each group of applications filed hereunder should be accompanied by two copies of a diagram showing the plan of development contemplated by the applicants. Each such application may describe the land covered by it in terms of a lot or tract as set forth in such diagram or the preliminary diagram specified in this paragraph. The diagram should include specific information as to the relative location and areal extent of each tract or site which it is contemplated will be devoted to school and other municipal or common purposes, to stores or other commercial enterprises, to housing and to agriculture and grazing. Assistance in the preparation of a preliminary diagram, which need not pertain to a particular tract of land, may be obtained by communicating in person or by mail with the United States Department of the Interior, Washington 25, D. C. Such preliminary diagram may be used as the basis for the diagram to be filed with the group of applications and which must relate to specific land.

(d) Upon the filing of such a diagram by the applicants or their authorized representative, a petition or petitions may be filed requesting the withdrawal of the lands to be devoted to school and other municipal or common purposes.

(e) If any of the applications involve unsurveyed public lands, such applications may also be accompanied by petition, either joint or several, for the withdrawal of the lands in behalf of specified applicants, the survey, and, in appropriate cases, the classification under the Small Tract Law, of such lands. The filing of such applications confers of itself no right upon the applicants. If the withdrawal is made, and the land classified, applicants shall have the first right to acquire the interests for which they have applied, to the extent permitted by statute. Any application, entry or withdrawal made pursuant to this section shall be subject to all valid prior claims.

(f) Persons who propose to file applications in a group under paragraph (a) hereof, by a writing to be filed in the district land office, may designate a representative or representatives who may, at their direction and in their behalf, make the actual filing of the applications, previously executed by the applicants and accompanying and supporting documents; pay any or all fees and costs in connection therewith; and, in complete satisfaction of the requirements of 43 CFR 166.1, personally examine the lands sought to be entered and make and file an affidavit setting forth the information otherwise required of each individual applicant by the first two paragraphs of 43 CFR 166.1.

(g) Where ten or more settlers are entitled by statute to request and receive a free survey of the lands upon which they have settled, they may file a joint petition stating the facts as to compliance with law by each of them. Such petition must be corroborated by two witnesses having knowledge of the facts.

(h) Where the costs of any survey made under this regulation are required by statute to be borne by one who seeks the survey, the necessary deposit for costs must be made in accordance with 43 CFR 78.7. The individual applicant is ultimately responsible in such instances for the costs entailed in satisfying his request for such a survey, but persons who file joint or group petitions for such surveys may share the costs thereof in any proportion they may determine.

(Sgd) Fred W. Johnson,

Acting Director.

Approved: November 19, 1946.

(Sgd) Warner W. Gardner,

Assistant Secretary of the Interior.

Circular No. 1630

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

CHAPTER 1 - BUREAU OF LAND MANAGEMENT

Parts 501 through 505 of Chapter III - Grazing Service - are transferred to Chapter I, Subchapter H and are redesignated parts 161 through 165. Sections 501.1 through 501.18 are redesignated sections 161.1 through 161.18; section 502.1 is redesignated section 162.1; sections 503.1 through 503.9 are redesignated sections 163.1 through 163.9; sections 505.0 through 505.10 are redesignated sections 165.0 through 165.10. Chapter III - Grazing Service - is deleted. Part 161 is retitled: The Federal Range Code for Grazing Districts.

Paragraphs (c), (d), (e), (f), (g), (i), (k), and (l) of section 161.9 and paragraphs (d) and (e) of section 161.14 are amended, and paragraphs (m) and (n) are added to section 161.9, to read as follows:

161.9 Procedure in applications, hearings and appeals.

(c) Allowance or rejection of application by the district grazier; modification; service of notice; appeal to examiner; intervention. The district grazier is vested with the authority in the light of all facts and circumstances, after first having submitted an application to the district advisory board, to issue or to refuse to issue a grazing license or permit. If the action taken by the district grazier on any application is substantially different from that recommended by the advisory board, a notice including a recital of the specific reasons for the action taken will be served on the applicant and on any other applicant or applicants adversely affected by such action, either personally by the district grazier or by such person as may have been designated by him or by registered letter sent to the applicant at the address given in his application. The notice given the particular applicant will advise him of his privilege to file an appeal to an examiner. The appeal must be filed with the regional grazier within fifteen days following the receipt of the notice. The appeal shall be accompanied by specifications of error setting forth in a clear and concise manner the matters upon which it is based. Any party or parties who may be directly affected by the decision on the appeal will be notified by the regional grazier of the filing of the appeal and advised that a written request to intervene in the appeal may be filed. Such a party shall be known and designated as an intervener. When separate appeals are filed and the issue or issues involved are common to two or more appeals, they may be consolidated for purposes of hearing and decision.

(d) Cancellation of licenses or permits; service of appeal to examiner.

Licenses or permits will be subject to cancellation to the extent that they have been improperly issued. In any case in which it shall appear to the Bureau of Land Management that a license or permit confers grazing privileges in excess of those properly allowable under the act and the Federal Range Code, the district grazer will notify the licensee or permittee that the license or permit is thereby held for cancellation either in whole or in part, as the case may be, and that the licensee or permittee will be allowed fifteen days from receipt of notice within which to show cause why such cancellation should not be made final. Such notice will set forth fully the reasons for the proposed cancellation and will be served on the licensee or permittee either personally by the district grazer or by such person as may have been designated by him or by registered mail sent to the licensee or permittee at his last address of record. In case of failure of the licensee or permittee to show cause within the fifteen days allowed, the license or permit will be canceled to the extent indicated in the notice. The district grazer will consider any cause shown and, if satisfied of its sufficiency, will close the case. If the district grazer is not satisfied that sufficient causes has been shown, he will notify the licensee or permittee that the cancellation will be made final unless an appeal to an examiner of the Bureau of Land Management is filed within fifteen days from receipt of notice. Such notice will be served on the licensee or permittee either personally by the district grazer or by such person as may have been designated by him or by registered mail sent to the licensee or permittee at his last address of record. The appeal must be filed with the regional grazer and shall be accompanied by specifications of error setting forth in a clear and concise manner the matters upon which it is based. So far as practicable, the appeal thereafter will follow the procedure prescribed in the following paragraphs of this section, except that any decision by the district grazer or the examiner on a matter arising under this paragraph will not become effective pending the disposition of a timely appeal to the examiner, the Director or the Secretary of the Interior, as the case may be.

(e) Fixing of place and date for hearing before examiner on appeal; notice.

Upon the filing of an appeal and specifications of error, the regional grazer will notify the Chief Examiner, naming a place within or near the district at which a hearing will be held. The Chief Examiner will then advise the regional grazer of the date of hearing, which will be not less than ten days after the date of the filing of the appeal, and the regional grazer thereupon will notify the appellant, and all parties who may be directly affected by the decision on the appeal, of the time and place of hearing, which shall be held by an examiner designated by the Director of the Bureau of Land Management.

(f) Authority of examiner. The examiner is vested with general authority to conduct the hearing in an orderly and judicial manner, including authority to subpoena witnesses, to take or cause depositions to be taken whenever the ends of justice would be served thereby, and to administer oaths, to call and question witnesses and to make findings of fact, conclusions of law and a decision.

(g) Conduct of hearing before examiner. The appellant, the district grazier, and recognized interveners will stipulate as far as possible all material facts and the issue or issues involved. The examiner will state any other issues on which he may wish to have evidence presented and issues which clearly appear to be unnecessary to a proper disposition of the case will be excluded; Provided, That the party asserting such an issue may state briefly for the record the substance of the proof which otherwise would be offered in support of the issue. The parties will then be given an opportunity to submit offers of settlement and proposals of adjustment for the consideration of the examiner and of the other parties. The district grazier, or his representative, will then state the grounds of the decision from which the appeal has been taken, together with such explanation as may be deemed necessary, and may call and examine witnesses on the issues involved. Upon the conclusion of this testimony the appellant shall present his case, following which recognized interveners may present evidence if such a presentation appears to the examiner to be necessary for a proper disposition of the matters in controversy. All oral testimony shall be under oath, and witnesses will be subject to cross-examination by any party to the proceeding. The examiner will himself question any witness whenever it appears necessary. Documentary evidence will be received by the examiner and made a part of the record, if pertinent to any issue, or may be entered by stipulation. Objections to evidence will be ruled upon by the examiner and exceptions duly noted, and such exceptions will be considered upon an appeal from the decision of the examiner. In noting an exception to a ruling sustaining an objection to the admission of evidence, the party affected may insert in the record, as a tender of proof, a summary written statement of the substance of the excluded evidence. The examiner will summarily stop examination and exclude testimony which is obviously irrelevant and immaterial. At the conclusion of the testimony the parties at the hearing shall be given a reasonable opportunity, considering the number and complexity of the issues and the amount of testimony, to submit to the examiner proposed findings of fact and conclusions of law, and reasons in support thereof.

(i) Findings of fact and decision by examiner; notice; submission to Director of the Bureau of Land Management. As promptly as possible following the termination of the time allowed for presenting proposed findings and conclusions, the examiner will make findings of fact and conclusions of law and will render a decision upon all material issues of fact, law and discretion presented on the record. In doing so he may adopt the findings of fact and conclusions of law proposed by one or more of the parties if they are correct. In any case, he must rule upon each such proposed finding and conclusion. The reasons for the findings, conclusions and decisions made shall be stated, and along with the findings, conclusions and decision, shall become a part of the record in any appeal. A copy thereof shall be sent by registered mail to the appellant and all interveners: Provided, however, that the Director of the Bureau of Land Management may require, in specific cases, that the examiner make only a recommended decision and that such decision and the record be submitted to the Director for consideration. In such instances the Director shall make the initial decision which shall constitute the decision of the Bureau, without prejudice to the right of any party affected to be furnished with a copy of the

transcript of testimony, as provided in the next paragraph, and to appeal to the Secretary in the manner prescribed by the Rules of Practice (43 C.F.R. Part 221).

(j) Notice of appeal to the Director of the Bureau of Land Management; furnishing copies of the record. Within ten days after the receipt of the decision of the examiner any party desiring to appeal to the Director of the Bureau of Land Management shall file a written notice of his intention to appeal and may request a copy of the transcript of testimony. Copies of the transcript will be furnished to the appellant and to the interveners, at a charge of five cents per folio, except that upon a sufficient showing to the examiner, supported by an affidavit, that an appellant or intervener is financially unable to pay such fee, a copy will be furnished him without charge. The examiner shall include in the record proof of delivery of the transcript showing the date of such delivery. Notice of appeal and request for a copy of the transcript shall be filed in the office of the Director.

(k) Effect of decision suspended pending appeal. An appeal shall suspend the effect of the decision appealed from pending the decision on appeal. However (1) the officer making a decision, either initially or on appeal, may, in his discretion when the orderly administration of the range or other public interest requires, provide, in the decision or by order made before an appeal is taken therefrom, that the decision shall be in full force and effect pending the decision on appeal, and (2) the officer to whom an appeal is taken may, in his discretion when the orderly administration of the range or other public interest requires, by order provide that the decision appealed from shall be in full force and effect pending the decision on appeal. Any action taken by the district grazier pursuant to a decision shall be subject to modification or revocation by the Director or the Secretary upon an appeal from the decision. In order to insure the exhaustion of administrative remedies before resort to court action, no decision which at the time of its rendition is subject to appeal to a superior authority in the Department shall be considered final so as to be agency action subject to judicial review under sec. 10(c) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 237), unless it has been made effective pending a decision on appeal in the manner provided in this paragraph.

(l) Appeals to the Director of the Bureau of Land Management. An appeal from the decision of the examiner to the Director of the Bureau of Land Management shall be filed, together with any brief desired in support thereof, within thirty days after date of receipt of the transcript of testimony, or, in the event the transcript of testimony is not requested, such appeal shall be filed within thirty days after receipt of the examiner's decision, in the office of the Director. A copy of the appeal and any brief in support thereof must be served on each party of record, either personally or by registered mail. Any party of record opposing the appeal will be allowed twenty days from date of receipt of the copy of the appeal and brief within which to file in said office a reply brief, if he so desires, a copy of which must be served upon the appellant in the same manner. Evidence of service of appeals and briefs must be furnished. The appeal in other respects shall be made in accordance with the Rules of Practice (43 CFR Part 221).

No adjudication of grazing privileges will be set aside on appeal if it appears that it is reasonable and that it represents a substantial compliance with the provisions of the Federal Range Code.

(m) Appeals to the Secretary of the Interior. An appeal from the decision of the Director may be made to the Secretary of the Interior in accordance with the Rules of Practice (43 CFR Part 221).

(n) Record as basis of decisions: definition of record. No decision shall be rendered except on consideration of the whole record or such portions thereof as may be cited by any party and as supported by and in accordance with the reliable, probative and substantial evidence. The transcript of testimony and exhibits together with all papers and requests filed in the proceeding shall constitute the exclusive record for decision.

161.14 Construction and maintenance of improvements on the Federal Range -

(d) Applications for construction of improvements; consideration; appeals. The regional grazer, following the receipt of an application concerning the construction of an improvement, together with the recommendation of the advisory board and district grazer, will act on the application and such action shall be final unless the applicant appeals to an examiner. Appeals to an examiner and to the Director of the Bureau of Land Management and Secretary of the Interior shall be made in accordance with section 161.9(c) and sections 161.9(e) through 161.9(n). Decisions not appealed from, and, in any event, the decision of the Secretary shall be final.

(e) Applications for use of improvements owned by prior occupant; procedure upon failure to agree. An application to use and maintain improvements constructed and owned by a prior occupant, under permit issued by the authority of the Secretary, if accompanied by the evidence of ownership provided for in paragraph (c) of this section, shall be considered in the same manner as an application for the construction of improvements. Upon the filing of such an application showing that the applicant and the prior occupant have not agreed on the value of the improvements, the regional grazer will immediately, at the applicant's expense, cause the prior occupant to be served either personally or by registered mail with a notice of the filing of the application, together with copies of the application and any accompanying papers and an order to show cause within thirty days why the improvements should not be determined to be of the value alleged by the applicant. Upon such a showing, or, if the prior occupant applies within thirty days from the date of service for a hearing, in the light of such evidence as the applicant and the prior occupant may desire to present in such hearing the regional grazer will determine the present reasonable value of the improvements. Such determination shall be final unless an appeal is taken to an examiner. Appeals to an examiner and to the Director of the Bureau of Land Management and to the Secretary of the Interior shall be made in accordance with section 161.9(c) and sections 161.9(e) through 161.9(n). Decisions not appealed from and, in any event, the decision of the Secretary shall be final. Upon the failure of the

prior occupant to show cause or to apply within thirty days for a hearing, the reasonable value of the improvements will be determined by the regional grazier: Provided, That in the event of such default by the prior occupant the value determined shall not be less than the amount alleged by the applicant in his application and the decision of the regional grazier in such cases shall be final. In any case when a decision has become final, payment by the applicant to the prior occupant of the amount determined and a showing that the improvements are free of all encumbrances shall be a condition precedent to favorable action on the application.

Fred A. Johnson
Acting Director.

Approved: December 11, 1946.

Oscar L. Phojman
Under Secretary of the Interior.

Circular No. 1631

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Land Management
Washington

CODE OF FEDERAL REGULATIONS
CONSOLIDATION OR EXTENSION OF NATIONAL FORESTS

Section 148.4 is amended to read as follows:

148.4 Notice to county of informal application; procedure leading to approval. As soon as a tentative agreement has been reached between the applicant and the local national forest officer in proposed exchanges involving values in excess of \$5,000 the Forest Service will cause a notice to be served either personally or by ordinary mail on the appropriate county officials of the county or counties in which the offered land and the selected land or timber are situated. The notice will give the location and area of the land offered in exchange as well as the amount of stumpage, if any, to be cut on the offered land by the applicant and the period allowed for the removal thereof. The notice will also give the location and either the acreage of the land selected or the total volume or value of timber to be cut in exchange for the offered land, together with the period in which such cutting rights are to be exercised. The county officials will be allowed 15 days from receipt of notice in which to file, in writing, with the regional forester any protests or objections to the proposed exchange. The case will then be submitted by the local national forest officer to the Regional Forester. Where the values are \$5,000, or less, the foregoing notice will not be given, but the case will be submitted to the Regional Forester as soon as a tentative agreement has been reached. In either event, when approved by the Regional Forester, the case will be submitted to the Chief, Forest Service, Washington, D. C. If the Chief, Forest Service, finds the exchange to be in the public interests and that the selected land or timber does not exceed the offered land in value, he will so advise the Secretary of Agriculture, who, after consideration of the record, will advise the Secretary of the Interior whether the offered lands are chiefly valuable for national forest purposes, whether the appraised value of the land or timber selected does not exceed that of the land offered in exchange, whether any protests or objections have been filed by the

*obsolete -
See Circ. 1752*

county officials, and whether the proposed exchange meets with the approval of the Department of Agriculture. If a notice to the county is required under this section, the letter from the Secretary of Agriculture must be accompanied by a copy of the notice which was sent to the county officials, and by any showing made as a result of such notice. Upon receipt of the letter and accompanying papers, the Secretary of the Interior will consider both the recommendations and the protests or objections to the exchange, if any, and, unless he has reason to do otherwise, will approve the exchange, subject to the submission of acceptable title to the offered lands and to full compliance by the applicant with the regulations in sections 148.1-148.19, and subject to any valid objections which may appear, and will notify protestants, if any, of such action. Such approval shall not preclude the consideration of additional showings made by the protesting county, or the filing of protests by others, in accordance with Section 148.9.

(Sgd.) Fred W. Johnson,
Acting Director.

Approved: August 19, 1946

Oscar L. Chapman,
Acting Secretary of the Interior.

Approved: September 4, 1946

Charles F. Brannen
Acting Secretary of Agriculture.

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Circular No. 1632

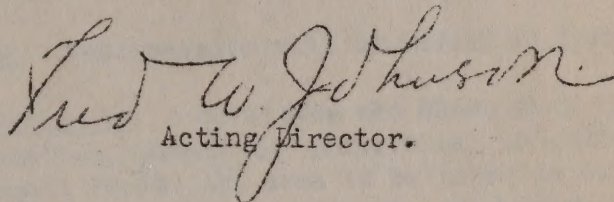
UNITED STATES
DEPARTMENT OF THE INTERIOR

CODE OF FEDERAL REGULATIONS
TITLE 43--PUBLIC LANDS: INTERIOR

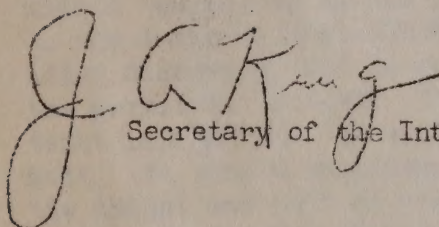
CHAPTER 1--BUREAU OF LAND MANAGEMENT

PART 196--PHOSPHATE LEASES

Departmental Order No. 1294 of July 2, 1938, carried in the 1943 Cumulative Supplement as a footnote to Part 196, is hereby revoked.


Acting Director.

Approved: December 31, 1946.


Secretary of the Interior.

October 10, 1946

UNITED STATES
DEPARTMENT OF THE INTERIOR

OFFICE OF FEDERAL LANDS
MANAGEMENT, INTERIOR

OFFICE OF LAND MANAGEMENT

REPLY TO: PROPOSED LEASES

Departmental Order No. 1501 of July 2, 1938, referred in the

1943 Cumulative Supplement as a reference to Part 100, is hereby

revised.

[Handwritten signature]
Acting Director

Approved: December 31, 1946.

[Handwritten signature]
Secretary of the Interior

Circular No. 1633
UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Washington

*Obsolete -
See Circ. 1788*

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR
CHAPTER I - BUREAU OF LAND MANAGEMENT

PART 193 - COAL PERMITS, LEASES AND LICENSES

Authority: Sections 193.22, 193.23 and 193.25 issued under Sec. 32, 41 Stat. 450, 30 U. S. C. 189.

COAL PROSPECTING PERMITS

Sections 193.22, 193.23 and 193.25 are amended to read as follows:

193.22 Form of permit. Coal permits will be issued on form 4-694.

193.23 Reward for discovery. A permittee who shows that the land included in his permit contains coal in commercial quantities, is entitled to a lease for all or part of the permit lands, the area to be taken in compact form, upon due application and publication of notice thereof. Such showing shall be made within the period of his permit; and the application for lease should be filed in the district land office having jurisdiction over the lands involved promptly after discovery, but in no event later than 30 days after the period for which the permit is limited. If the lands are in a State in which there is no district land office, the application should be filed in the Bureau of Land Management. It should describe the lands desired and set forth fully and in detail the extent and mode of occurrence of the coal deposits as disclosed by the prospecting work performed under the permit. Such leases will be granted without competitive bidding, at such rental and royalty rates as may be fixed by the Secretary of the Interior.

193.25 Extension of permits. By the Act approved March 9, 1928 (45 Stat. 251, 30 U. S. C. 201a, 201b), the Secretary of the Interior may extend any coal prospecting permit issued under section 2 of the Act of February 25, 1920 (41 Stat. 438, 30 U. S. C. 201) for a period of 2 years.

A permit may be extended if the permittee has been unable with the exercise of reasonable diligence to determine the existence or workability of the coal deposits, or for other reasons which may warrant an extension. An application for extension may be filed only within the period beginning 90 days prior to the date to which the permit is limited and ending 30 days after that date. The application should be filed in the district land office having jurisdiction over the lands involved. If the lands are in a State in which there is no district land office, the application should be filed in the Bureau of Land Management.

ment. It should show what efforts, if any, the permittee has made to comply with the terms of his permit and the reasons for failure fully to comply therewith, such showing to be corroborated, if possible, by an affidavit of at least one disinterested person having actual knowledge of the facts. The application should also show how much additional time is considered necessary to complete prospecting work. Extension will be limited to such period, not exceeding the 2 years authorized, as may be determined to be allowable under the circumstances in each particular case. Upon failure to file application within the specified period, the permit will be canceled.

As the permit bond is limited to the period for which the permit was granted, the permittee must file with an application for extension a properly executed assent by the surety or sureties on the bond to the extension of the bond to cover the life of the permit, if extended, or file a new bond.

Until the cancellation or termination of a coal permit is noted on the records of the district land office or on the records of the Bureau of Land Management if the lands involved are in a State in which there is no district land office, no other person will be permitted to gain any right to the same class of deposits by the filing of an application therefor.

193.26 This section is revoked.

(Sgd) Fred W. Johnson,

Acting Director.

Approved: January 14, 1947.

(Sgd) C. Girard Davidson,

Assistant Secretary of the Interior.

Circular No. 1634

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

CHAPTER I - BUREAU OF LAND MANAGEMENT

PART 150 - EXCHANGES TO ELIMINATE PRIVATE
HOLDINGS FROM NATIONAL PARKS AND NATIONAL MONUMENTS

EXCHANGES OF PRIVATELY OWNED PROPERTY WITHIN
THE GLACIER NATIONAL PARK, MONTANA

| Sec. | | Secs. | |
|--------|-------------------------------------|--------|--|
| 150.6a | Statutory authority. | 150.6h | Protests. |
| 150.6b | Informal application. | 150.6i | Deed of Conveyance. |
| 150.6c | Formal application. | 150.6j | Abstract of title; title insurance; certificate of title |
| 150.6d | Fees. | | |
| 150.6e | Action by District Land Office. | 150.6k | Taxes. |
| 150.6f | Action by Bureau of Land Management | 150.6l | Further Action by Bureau of Land Management. |
| 150.6g | Publication and posting of Notice. | 150.6m | Conveyed property a part of the Glacier National Park. |
| | | 150.6n | Appeals. |

AUTHORITY: Secs. 150.6a to 150.6n, inclusive, issued under the Act of August 8, 1946 (60 Stat. 949).

150.6a Statutory authority. The Act of August 8, 1946 (60 Stat. 949), authorizes the Secretary of the Interior, when he deems such action to be in the best interests of the United States, to accept title to any non-Federal lands, interest in lands, buildings, or other property, real or personal, within the authorized boundaries of the Glacier National Park, as then or thereafter established, and in exchange therefor, to convey to the grantors of such property, or to their nominees, any Federally owned lands, interests in lands, buildings, or other property, real or personal, within the boundaries of the Glacier National Park, located in the State of Montana, and administered by the National Park Service, which the Secretary determines are of approximately equal value to the property

being acquired. In order to facilitate the making of such exchanges, the Secretary is authorized to enter into agreements for the reservation in conveyances to the United States or for the grant in conveyances from the United States, of such estates for years, life estates, or other interests, as may be consistent with the purposes of the Act, but all such limitations must be considered in determining the equality of the interests to be exchanged.

These regulations do not apply to exchanges which involve no interest in real property.

150.6b Informal application. All preliminary negotiations relating to an exchange under the above Act are to be conducted with the National Park Service. Any owner of property within the boundaries of the Glacier National Park who desires to take advantage of the privileges conferred by said Act, must file with the Director, National Park Service, an informal application describing the privately owned property, which is offered to the United States and the property which is selected in exchange therefor. If the Director, National Park Service is of the opinion that the value of the property offered is equal to or more than the value of the selected property, and that the exchange should be consummated, he will so advise the applicant by letter, stating, among other things, his determination as to values, and will instruct the applicant to file in the District Land Office at Great Falls, Montana, the letter, together with a formal application to exchange.

150.6c Formal application. The formal application, which must be filed in duplicate, should contain the full name and post office address of the applicant, a description of the property offered to the Government and the property selected in exchange therefor; a statement as to what, if any, reservations, easements, or rights-of-way are being made in the offered land; a statement that the applicant is the owner of the property offered in exchange, that he is legally capable of consummating the exchange, and that such property is not the basis of another selection or exchange; a statement by the applicant or some credible person possessed of the requisite knowledge, that the land selected is nonmineral in character, contains no salt springs or deposits of salt in any form to render it chiefly valuable therefor, and is not in any manner occupied or claimed adversely to the applicant; and a statement corroborated by two credible witnesses as to springs and water holes in accordance with 43 CFR 292.1-292.9. The application should be accompanied by the letter received from the National Park Service signifying its approval of the consummation of the proposed exchange. Any application not accompanied by such a letter will be rejected. The offered and selected property in the formal application must be identical with the property referred to in the letter of the

National Park Service and all lands should be described by legal subdivisions of the public land surveys, except where unsurveyed land is selected and in which case, the description thereof must conform to 43 CFR 101.6. Where application is made to select unsurveyed land, such land must be surveyed, and the application and valuation must be adjusted to survey before patent can issue for such selected land.

Where the application is filed by an individual he will be required to show that he is 21 years of age, and otherwise capable of carrying through the transaction.

Where the application is made by or in behalf of a corporation, a certified copy of the articles of incorporation must be furnished. If the corporation is organized under a State other than Montana the articles of incorporation must be accompanied by a certificate showing that the corporation is authorized to do business in the State of Montana.

150.6d Fees. Fees must be paid by the applicant at the rate of \$2 for each 160 acres, or fraction thereof, of the base lands offered and conveyed to the Government.

150.6a Action by District Land Office. If the application appears regular and in conformity with the law and these regulations, the District Land Office will assign a serial number thereto and after appropriate notations have been made upon the records of that office, the application and accompanying papers should be forwarded to the Bureau of Land Management together with a report as to the status of any of the lands involved in the application.

150.6f Action by Bureau of Land Management. Upon receipt of all the evidence required in the Bureau of Land Management, examination will be made at as early a date as practicable and if the evidence is found defective an opportunity will be given the parties in interest to cure the defects, if possible. If the application appears regular and in conformity with the law and these regulations it will, in the absence of objection, be transmitted to the Secretary of the Interior by the Director, Bureau of Land Management with appropriate recommendation.

If the Secretary determines that the value of the offered property is equal to or more than the value of the selected property and that the application should be allowed, the exchange will be approved, subject to the submission of acceptable title to the offered property and to full compliance by the applicant with the regulations and subject to any protests or other valid objections which may appear.

150.6g Publication and Posting of Notice. Upon approval of the application by the Secretary, instructions will issue

to the District Land Office regarding publication of notice thereof. The applicant will begin publication of notice thereof, at his own expense, in some newspaper, designated by the Bureau of Land Management and having general circulation in the county, or counties, in which the property offered and the property selected are situated. Such notice must be published once each week for four successive weeks during which time a similar notice of the application must be posted in the District Land Office. The notice should describe the property applied for as well as the property offered in exchange and give the date of filing of the application, and state that the purpose thereof is to allow all persons claiming the property selected, or having bona fide objections to such application, an opportunity to file their protests with the District Land Office at Great Falls, Montana. Proof of publication shall consist of an affidavit of the publisher or of the foreman or other proper employee of the newspaper in which the notice was published, with a copy of the published notice attached. The Manager shall certify to the posting in his office. The date of such publication and posting must be given in all cases.

150.6h Protests; additional papers to be filed; action by Manager. If a protest is filed, all the papers should be transmitted to the Bureau of Land Management for consideration; but should no protest be filed against the allowance of the selection within 30 days from the date of the first publication of notice, and no objections appear on the records of the District Land Office, the Manager will notify the applicant that he is allowed 60 days from receipt of notice within which to file the deed or other instrument conveying the offered property to the Government, together with such title evidence as may be required by these regulations. After the filing of the required evidence, the Manager will promptly transmit all papers to the Bureau of Land Management.

150.6i Deed or Instrument of Conveyance. The deed of conveyance or other instrument transferring title to the offered property to the United States must be executed, acknowledged and duly recorded in accordance with the laws of the State of Montana. Such revenue stamps as are required by law must be affixed to the instrument and canceled. The instrument should recite that it is made "for and in consideration of the exchange of certain property as authorized by the Act of August 8, 1946 (60 Stat. 949)."

Where such instrument is executed by an individual, it must show whether the person making the conveyance is married or single. If married, the wife or husband of such person as the case may be, must join in the execution and acknowledgment of the instrument in such manner as to bar effectually any right

of curtesy or dower, or any claim whatsoever to the property conveyed, or it must be fully and satisfactorily shown that under the laws of the State of Montana in which the property conveyed is situated, such husband or wife has no interest whatsoever, present or prospective, which makes his or her joining in the instrument necessary. Where the instrument is executed by a corporation, it should recite that it was executed pursuant to an order or by the direction of the board of directors, or other governing body, and a copy of such order or direction must accompany such instrument and both should bear the impression of the corporate seal.

150.6j Abstract of Title; title insurance; certificate of title. Where land or an interest in land is conveyed, applicant must file an abstract of title, a policy of title insurance or a certificate of title, as hereinafter provided.

The abstract of title must show that the title memoranda contained therein are a full, true and complete abstract of all matters of record or on file in the offices of the recorder of deeds and in the offices of the clerks of courts of record of that jurisdiction, including all conveyances, mortgages, pending suits, judgments, liens, lis pendens, or other encumbrances or instruments which are required by law to be filed with the recording officer and which appear in the records of the office of the clerks of courts of record affecting in any manner whatsoever the title to the land or property to be conveyed to the United States. The abstract of title may be prepared and certified by the recorder of deeds or other proper officer under his official seal, or it may be prepared and authenticated by an abstractor or by an abstract company, which is satisfactory to the Department of the Interior.

A policy of title insurance, or a certificate of title, may be accepted in lieu of an abstract, in proper cases, when issued by a title company. A policy of title insurance when furnished must be free from conditions and stipulations not acceptable to the Department of the Interior. A certificate of title will be accepted only where the certificate is made to the Government, or expressly for its benefit, and where the interests of the Government will be sufficiently protected thereby.

150.6k Taxes. The applicant must furnish a certificate by the proper official of the county in which the property conveyed to the United States is situated, showing that all taxes levied or assessed against the property, or that could operate thereon as a lien, have been fully paid, or whether there is a tax due on such property that could operate as a lien thereon but which tax is not yet payable, and that there are no unredeemed tax sales and no tax deeds outstanding against such property. In case taxes have been assessed or levied on such property, and such taxes are not due and payable until some future date, the applicant, in addition to the certificate above

required relative to taxes and tax assessments; may furnish a bond with a qualified corporate surety for the sum of twice the amount of taxes paid on the property for the previous year in order to indemnify the United States against loss for the tax as assessed or levied but not yet due and payable. In lieu of the bond the applicant may submit a sum similar to that required in the case of a bond, and if and when proper evidence is furnished showing the taxes on the property conveyed have been paid in full, the said sum will be returned to the applicant.

150.61 Further Action by Bureau of Land Management. The publication of notice, deed or other instrument of conveyance, abstract of title and other evidence required of the applicant will, upon receipt in the Bureau of Land Management, be examined, and if found regular and in conformity with law, and there are no objections, title will be accepted to the property conveyed to the United States and patent or other instrument of transfer will issue for the property selected in exchange. Notice of additional requirements, rejection or other adverse action will be given the applicant.

150.6m Conveyed property a part of the Glacier National Park. All property conveyed to the United States pursuant to these regulations shall, upon acceptance of title, become a part of the Glacier National Park, and shall be subject to all laws applicable to such area.

150.6n Appeals. Any party aggrieved by any action of the Manager may appeal to the Director of the Bureau of Land Management and any party aggrieved by any action of the Director, Bureau of Land Management or the Director, National Park Service, may appeal to the Secretary, pursuant to Rules of Practice (43 CFR, Part 221).

(signed) Fred W. Johnson
Acting Director.

Approved: Jan. 15, 1947

(signed) Oscar L. Chapman

Acting Secretary of the Interior.

Circular No. 1635

UNITED STATES
DEPARTMENT OF THE INTERIORCODE OF FEDERAL REGULATIONS
TITLE 43--PUBLIC LANDS: INTERIOR

CHAPTER I--BUREAU OF LAND MANAGEMENT

PART 181--PUBLIC LAND RIGHTS OF SOLDIERS AND SAILORSSPECIAL RIGHTS OF VETERANS OF WORLD WAR II
IN CONNECTION WITH THE PUBLIC LANDS.

Part 181 of Title 43 of the Code of Federal Regulations is amended by adding thereto a new section as follows:

"181.41 Rights of minor veterans of World War II under the homestead laws. Pursuant to the Act of June 25, 1946 (60 Stat. 308), a person who has served or may serve in the military or naval forces of the United States for a period of at least 90 days during World War II and is honorably discharged, and who is under 21 years of age, is entitled to the benefits, rights and privileges, with respect to homestead entries and applications, conferred by the Act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279-283) and the regulations contained in sections 181.36-181.40. (sec. 5, 58 Stat. 748; 43 U.S.C. 283).

(Sgd) Fred W. Johnson,

Acting Director.

Approved: February 11, 1947.

(Sgd) C. Girard Davidson,

Assistant Secretary of the Interior.

*Superseded by
Circ. 1760
which has been
superseded by
Circ. 1850*

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

MEMORANDUM FOR THE DIRECTOR
SUBJECT: [Illegible]

[Illegible body text]

(Sgt. Fred V. Johnson)
Assistant Director

Approved: [Illegible]
Special Agent in Charge
Assistant Director of the Laboratory

Circular No. 1636

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Washington

*Abstract -
See Circ. 1811*

CODE OF FEDERAL REGULATIONS
TITLE 43--PUBLIC LANDS: INTERIOR
CHAPTER I--BUREAU OF LAND MANAGEMENT

PART 161--THE FEDERAL RANGE CODE FOR
CRAZING DISTRICTS

The following is added as a note to section 161.8(b):

Note. In accordance with the provisions of section 161.8(b) of the Federal Range Code for Grazing Districts (Circular 1630, December 11, 1946), notice is hereby given that effective May 1, 1947, a grazing fee of eight cents per head for cattle and horses and one and three-fifths cents per head for sheep and goats will be charged each regular licensee or permittee for each month of the grazing period covered by the licenses or permit: Provided, that the increased rates will not apply where licenses and fee notices have been issued prior to the date of the publication of this notice in the Federal Register. In such instances, the rate of five cents an animal unit month will apply until the next license or fee notice is issued.

This notice will not prevent the fixing of a different fee in appropriate cases, in accordance with the proviso to section 161.8(b) of the Federal Range Code for Grazing Districts.

W. A. Johnson
Director.

Approved: March 3, 1947.

Oscar L. Chapman
Acting Secretary of the Interior.

Circular No. 1638

Circular No. 1637

UNITED STATES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

CODE WASHINGTON REGULATIONS

TITLE 43 - PUBLIC LANDS: INTERIOR

CODE OF FEDERAL REGULATIONS

TITLE 43 - PUBLIC LANDS: INTERIOR

PART 70 - MINERAL LAND, COAL, OIL, AND GAS

CHAPTER 1 - BUREAU OF LAND MANAGEMENT,

DEPARTMENT OF THE INTERIOR

Paragraph (PART 240 - PUBLIC LAND RECORDS) following
paragraph (f) of Section 70.5 are amended to read as follows:

FEES FOR COPIES MADE BY BUREAU OF

(b) **LAND MANAGEMENT; REMITTANCES AND FORMS.**

under the Act including: (1) statement of his interests,
direct or indirect, in other coal leases, permits or ap-
plications therefor on public lands in Alaska, identifying
the **Section 240.4(c)** contained in Circular 504(b) approved
of citizenship - in the case of an individual by a State
January 27, 1941, is amended to read as follows: if nat-
uralized, date of naturalization, court in which naturalized
and **240.4 Fees for copies made by the Bureau of Land** she
Management; remittances and forms thereof. * * * marriage
and citizenship of her husband. Corporations are required to
file (c) For tracings, a sum equal to the cost of production
thereof. Blue prints 30 cents per square yard. stockholders
and, if any stock is held by aliens, a showing, to the extent
(R. S. 453, 2478; 43 U. S. C. 2, 1201) country to which each
such alien owes allegiance and amount of stock held by each.

(Sgd) Fred W. Johnson

The application must be signed by **Acting Director.** or his
attorney-in-fact, and if executed by an attorney-in-fact must
be accompanied by the power of attorney and the applicant's
Approved: February 27, 1947. citizenship and acreage holdings. Ap-
plications on behalf of a corporation must be accompanied by
power of attorney of officer's authority to execute the in-
strument and must have the corporate seal affixed thereto.

Assistant Secretary of the Interior.

as amended by Circular 1571, April 12, 1944, is

Circular No. 1637

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

CHAPTER I - BUREAU OF LAND MANAGEMENT,
DEPARTMENT OF THE INTERIOR

PART 240 - PUBLIC LAND RECORDS

FEE FOR COPIES MADE BY BUREAU OF
LAND MANAGEMENT; REMITTANCES AND FORMS.

Section 240.14(c) contained in Circular 504(b) approved

January 27, 1917, is amended to read as follows:

240.14 Fees for copies made by the Bureau of Land
Management; remittances and forms therefor. * * *

(c) For tracings, a sum equal to the cost of production
thereof. Nine prints 30 cents per square yard.

(R. S. 453, 2478; 16 U. S. C. 2, 1201)

(Sgd) Fred W. Johnson

Acting Director.

Approved: February 27, 1917.

(Sgd) Warner W. Gardner

Assistant Secretary of the Interior.

Circular No. 1638

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Land Management
Washington

*Obsolete -
Replaced by Circ. 1832*

CODE OF FEDERAL REGULATIONS
TITLE 43--PUBLIC LANDS: INTERIOR
CHAPTER I--BUREAU OF LAND MANAGEMENT

PART 70 - MINERAL LAND; COAL PERMITS AND LEASES
AND PERMITS FOR FREE USE OF COAL

Paragraph (b) and the paragraph immediately following paragraph (f) of Section 70.5 are amended to read as follows:

(b) Qualifications of petitioner to take a lease under the Act including: (1) statement of his interests, direct or indirect, in other coal leases, permits or applications therefor on public lands in Alaska, identifying the same by land office and serial number, and (2) proof of citizenship - in the case of an individual by a statement as to whether native-born or naturalized and, if naturalized, date of naturalization, court in which naturalized and number of certificate, if known; if a woman whether she is married or single, and if married, the date of her marriage and citizenship of her husband. Corporations are required to file a certified copy of their articles of incorporation, a showing as to residence and citizenship of the stockholders and, if any stock is held by aliens, a showing, to the extent reasonably ascertainable, of the name, country to which each such alien owes allegiance and amount of stock held by each.

* * * *

The application must be signed by the applicant or his attorney-in-fact, and if executed by an attorney-in-fact must be accompanied by the power of attorney and the applicant's own statement as to his citizenship and acreage holdings. Applications on behalf of a corporation must be accompanied by proof of the signing officer's authority to execute the instrument and must have the corporate seal affixed thereto.

Section 70.11 as amended by Circular 1571, April 12, 1944, is

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON

CODE OF FEDERAL REGULATIONS
TITLE 19 - PUBLIC LANDS; INTERIOR

CHAPTER I - BUREAU OF LAND MANAGEMENT,
DEPARTMENT OF THE INTERIOR

PART 210 - PUBLIC LAND RECORDS

Fees for copies made by Bureau of
Land Management; Remittances and Forms.

Section 210.1(c) contained in Circular 204(c) approved

January 27, 1917, is amended to read as follows:

210.1 Fees for copies made by the Bureau of Land
Management; Remittances and Forms thereof. * * *

(c) For firstings, a sum equal to the cost of production
thereof. Five prints 50 cents per square yard.

(R. S. 153, 217; U. S. C. 2, 1201)

(Sgd) Fred W. Johnson

Acting Director.

Approved: February 27, 1917.

(Sgd) Warner W. Gardner

Assistant Secretary of the Interior.

Circular No. 1638

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Land Management
Washington

*Obsolete -
Replaced by Circ. 1832*

CODE OF FEDERAL REGULATIONS
TITLE 43--PUBLIC LANDS: INTERIOR
CHAPTER I--BUREAU OF LAND MANAGEMENT

PART 70 - MINERAL LAND; COAL PERMITS AND LEASES
AND PERMITS FOR FREE USE OF COAL

Paragraph (b) and the paragraph immediately following paragraph (f) of Section 70.5 are amended to read as follows:

(b) Qualifications of petitioner to take a lease under the Act including: (1) statement of his interests, direct or indirect, in other coal leases, permits or applications therefor on public lands in Alaska, identifying the same by land office and serial number, and (2) proof of citizenship - in the case of an individual by a statement as to whether native-born or naturalized and, if naturalized, date of naturalization, court in which naturalized and number of certificate, if known; if a woman whether she is married or single, and if married, the date of her marriage and citizenship of her husband. Corporations are required to file a certified copy of their articles of incorporation, a showing as to residence and citizenship of the stockholders and, if any stock is held by aliens, a showing, to the extent reasonably ascertainable, of the name, country to which each such alien owes allegiance and amount of stock held by each.

* * * *

The application must be signed by the applicant or his attorney-in-fact, and if executed by an attorney-in-fact must be accompanied by the power of attorney and the applicant's own statement as to his citizenship and acreage holdings. Applications on behalf of a corporation must be accompanied by proof of the signing officer's authority to execute the instrument and must have the corporate seal affixed thereto.

Section 70.11 as amended by Circular 1571, April 12, 1944, is further amended by deleting from the first sentence the words "must be under oath and."

The following footnotes are added to this part:

70.5 Application for permit. 1/** * *

1/ Title 18 U.S.C. section 80 makes it a crime for any person knowingly or wilfully to submit or cause to be submitted to any agency of the United States any false or fraudulent statement as to any matter within its jurisdiction.

* * * *

70.11 Form and contents of application. 2/** * *

2/ See note to section 70.5.

* * * *

70.25 How to proceed to obtain permit. 2/**
* * *

2/ See note to section 70.5.

Lester W. Johnson
Director.

Approved: March 6, 1947.

Warner W. Gardner

Assistant Secretary of the Interior.

Circular No. 1639

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Land Management
Washington

*Absolute - see
Circ. 1788*

CODE OF FEDERAL REGULATIONS
TITLE 43--PUBLIC LANDS: INTERIOR
CHAPTER I--BUREAU OF LAND MANAGEMENT

PART 193 - COAL PERMITS, LEASES AND LICENSES

Section 193.7, as amended by Circular No. 1582, September 1, 1944,
is further amended by amending paragraph (b) and adding a last para-
graph as follows:

(b) Qualifications of petitioner to take a coal lease under the Act including: (1) statement of his interests, direct or indirect, in other coal leases, permits or applications therefor on public lands in the State in which the lease is desired, identifying same by land office and serial number, and (2) proof of citizenship - in the case of an individual by a statement as to whether native-born or naturalized and number of certificate if known; if a woman, whether she is married or single and, if married, the date of her marriage and citizenship of her husband. Corporations are required to file a certified copy of their articles of incorporation, a showing as to residence and citizenship of the stockholders, and if any stock is held by aliens, a showing, to the extent reasonably ascertainable, of the name, country to which each such alien owes allegiance and amount of stock held by each. Municipalities must submit evidence of (1) the law, charter and procedure taken by which it became and exists as a legal body corporate, (2) that the taking of a permit or lease is authorized under such law or charter, and (3) that the action proposed has been duly authorized by the governing body of such municipality.

* * * *

The application must be signed by the applicant or his attorney-in-fact, and if executed by an attorney-in-fact must be accompanied by the power of attorney and the applicant's own statement as to his citizenship and acreage holdings. Applications on behalf of a corporation must be accompanied by proof of the signing officer's authority to execute the instrument and must have the corporate seal affixed thereto.

Section 193.16 is amended to read:

193.16 Form of Lease. Coal leases will be issued on Form 4-696.

Section 193.20 is amended by substituting the following for the last paragraph:

The application must be signed by the applicant or his attorney-in-fact, and if executed by an attorney-in-fact must be accompanied by the power of attorney and the applicant's own statement as to his citizenship and acreage holdings. Applications on behalf of a corporation must be accompanied by proof of the signing officer's authority to execute the instrument and must have the corporate seal affixed thereto.

Section 193.26(a) is amended by deleting the work "affidavit" from the last two sentences and substituting in each instance the work "statement".

The following footnotes are added to this part:

193.7 Petitions for leasing units. 1/**
* * * *

1/Title 18 U.S.C. section 80 makes it a crime for any person knowingly or wilfully to submit or cause to be submitted to any agency of the United States any false or fraudulent statement as to any matter within its jurisdiction.

* * * *

193.20 Application for permit. 2/**
* * * *

2/See note to section 193.7.
* * * *

193.29 Application for license. 2/**
* * * *

2/See note to section 193.7.

Approved: March 6, 1947

Fred W. Johnson
Director.

Warner W. Gardner
Assistant Secretary of the Interior.

Circular No. 1640

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Land Management
Washington

CODE OF FEDERAL REGULATIONS
TITLE 43--PUBLIC LANDS: INTERIOR
CHAPTER I--BUREAU OF LAND MANAGEMENT

PART 195 - SODIUM PERMITS AND LEASES

Section 195.7 is amended by deleting from the first sentence the words "under oath", and by amending paragraph (b) and adding a last paragraph as follows:

(b) Qualifications of petitioner to take a lease under the Act including (1) statement of his interests, direct or indirect, in other sodium leases, permits or applications therefor on public lands in the State in which the permit is desired, identifying the same by land office and serial number, and (2) proof of citizenship - in the case of an individual by a statement as to whether native-born or naturalized and, if naturalized, date of naturalization, court in which naturalized and number of certificate, if known; if a woman whether she is married or single, and if married, the date of her marriage and citizenship of her husband. Corporations are required to file a certified copy of their articles of incorporation, a showing as to residence and citizenship of the stockholders and if any stock is held by aliens a showing to the extent reasonably ascertainable, of the name, country to which each such alien owes allegiance and amount of stock held by each.

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The application must be signed by the applicant or his attorney-in-fact, and if executed by an attorney-in-fact must be accompanied by the power of attorney and the applicant's own statement as to his citizenship and acreage holdings. Applications on behalf of a corporation must be accompanied by proof of the signing officer's authority to execute the instrument and must have the corporate seal affixed thereto.

Section 195.24 is amended by deleting from the first sentence the words "must be under oath and", and by amending paragraph (b) and adding a last paragraph, as follows:

(b) Qualifications of petitioner to take a lease under the Act including: (1) statement of his interests, direct or indirect, in other sodium leases, permits or applications therefor on public lands in the State in which the lease is desired, identifying the same by land office and serial number, and (2) proof of citizenship - in the case of an individual by a statement as to whether native-born or naturalized and, if naturalized, date of naturalization, court in which naturalized and number of certificate, if known; if a woman whether she is married or single, and if married, the date of her marriage and citizenship of her husband. Corporations are required to file a certified copy of their articles of incorporation, a showing as to residence and citizenship of the stockholders and if any stock is held by aliens a showing to the extent reasonably ascertainable of the name, country to

which each such alien owes allegiance and amount of stock held by each.

* * * *

The application must be signed by the applicant or his attorney-in-fact, and if executed by an attorney-in-fact must be accompanied by the power of attorney and the applicant's own statement as to his citizenship and acreage holdings. Applications on behalf of a corporation must be accompanied by proof of the signing officer's authority to execute the instrument and must have the corporate seal affixed thereto.

Section 195.31 is amended by deleting therefrom the words "which will be verified by the affidavit of the applicant".

The following footnotes are added to this part:

195.7 Form and contents of application. 1/**

* * * *

1/Title 18 U.S.C. section 80 makes it a crime for any person knowingly or wilfully to submit or cause to be submitted to any agency of the United States any false or fraudulent statement as to any matter within its jurisdiction.

* * * *

195.24 Form and contents of application. 2/**

* * * *

2/See note to section 195.7.

* * * *

195.31 Form of application. 2/**

* * * *

2/See note to section 195.7.

Fred W. Johnson
Director.

Approved: March 6, 1947.

Warner W. Gantner

Assistant Secretary of the Interior.

New in Stock

Circular No. 1641

Office Copy 17783

Phosphate - see
Circ. 1738

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Land Management
Washington

CODE OF FEDERAL REGULATIONS
TITLE 43--PUBLIC LANDS: INTERIOR
CHAPTER I--BUREAU OF LAND MANAGEMENT

PART 196 - PHOSPHATE LEASES

Section 196.6 is amended by deleting from the first sentence the words "under oath and," and by amending paragraph (b) and adding a last paragraph as follows:

(b) Qualifications of petitioner to take a lease under the Act including: (1) statement of his interests, direct or indirect, in other phosphate leases or applications therefor on public lands in the State in which the lease is desired, identifying the same by land office and serial number, and (2) proof of citizenship - in the case of an individual by a statement as to whether native-born or naturalized and, if naturalized, date of naturalization, court in which naturalized and number of certificate, if known; if a woman whether she is married or single, and if married, the date of her marriage and citizenship of her husband. Corporations are required to file a certified copy of their articles of incorporation, a showing as to residence and citizenship of the stockholders and if any stock is held by aliens a showing, to the extent reasonably ascertainable, of the name, country to which each such alien owes allegiance and amount of stock held by each.

* * * *

The application must be signed by the applicant or his attorney-in-fact, and if executed by an attorney-in-fact must be accompanied by the power of attorney and the applicant's own statement as to his citizenship and acreage holdings. Applications on behalf of a corporation must be accompanied by proof of the signing officer's authority to execute the instrument and must have the corporate seal affixed thereto.

Section 196.14 is amended by deleting from paragraphs (2f) and (2g) of the lease form therein contained the words "under oath".

Section 196.15 is amended by deleting from the second sentence of the second paragraph the words "be under oath and".

The following footnotes are added to this part:

196.6 Application for lease. 1/**

* * *

1/Title 18 U.S.C. section 80 makes it a crime for any person knowingly or wilfully to submit or cause to be submitted to any agency of the United States any false or fraudulent statement as to any matter within its jurisdiction.

* * *

196.15 Use permits. 2/**

2/See note to section 196.15.

Fred W. Johnson
Director.

Approved: March 6, 1947.

Warner W Gardner

Assistant Secretary of the Interior.

Circular No. 1642

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Land Management
Washington

CODE OF FEDERAL REGULATIONS
TITLE 43--PUBLIC LANDS: INTERIOR
CHAPTER I--BUREAU OF LAND MANAGEMENT

PART 197 - OIL SHALE LEASES

Section 197.4 is amended by deleting from the first sentence the words "must be under oath, and", and by amending paragraph (b) and adding a last paragraph and footnote as follows:

197.4 Form and contents of application. 1/**

(b) Qualifications of petitioner to take a lease under the Act including: (1) statement of his interests, direct or indirect, in other oil shale leases or applications therefor on public lands in the State in which the lease is desired, identifying the same by land office and serial number, and (2) proof of citizenship - in the case of an individual by a statement as to whether native-born or naturalized and, if naturalized, date of naturalization, court in which naturalized and number of certificate if known; if a woman, whether she is married or single, and, if married, the date of her marriage and citizenship of her husband. Corporations are required to file a certified copy of their articles of incorporation, a showing as to residence and citizenship of the stockholders, and if any stock is held by aliens, a showing, to the extent reasonably ascertainable, of the name, country to which each such alien owes allegiance and amount of stock held by each. Municipalities must submit evidence of (1) the law or charter and procedure taken by which it became and exists as a body corporate, (2) that the taking of a lease is authorized under such law or charter, and (3) that the action proposed has been duly authorized by the governing body of such municipality.

The application must be signed by the applicant or his attorney-in-fact, and if executed by an attorney-in-fact must be accompanied by the power of attorney and the applicant's own statement as to his citizenship and acreage holdings. Applications on behalf of a corporation must be accompanied by proof of the signing officer's authority to execute the instrument and must have the corporate seal affixed thereto.

1/Title 18 U.S.C. section 80 makes it a crime for any person knowingly or wilfully to submit or cause to be submitted to any agency of the United States any false or fraudulent statement as to any matter within its jurisdiction.

Section 197.8 is amended by deleting from the first sentence of the third paragraph the words "under oath".

Lester W. Johnson
Director.

Approved: March 6, 1947

Warner W. Gardner

Assistant Secretary of the Interior.

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Land Management
Washington

CODE OF FEDERAL REGULATIONS
TITLE 43 -- PUBLIC LANDS: INTERIOR

CHAPTER I -- BUREAU OF LAND MANAGEMENT

PART 194 -- POTASSIUM PERMITS AND LEASES

Authority: Sections 194.6, 194.7, 194.11, 194.17, 194.24, 194.26, and 194.27 amended under section 32, 41 Stat. 450, 30 U. S. C. 189; sec. 5, 45 Stat. 1058, 30 U. S. C. 235.

Section 194.6 is amended as follows:

The following sentence is added to footnote 1: Title 18 U. S. C. section 80 makes it a crime for any person knowingly or wilfully to submit or cause to be submitted to any agency of the United States any false or fraudulent statement as to any matter within its jurisdiction.

The words "under oath" are deleted from the first sentence.

Sub-paragraph (b) is amended to read:

(b) Proof of citizenship of applicant by stating in the case of an individual, whether native-born or naturalized, and, if naturalized, date of naturalization, court in which naturalized and number of the certificate, if known; if a woman, whether single or married, and if married, date of marriage and citizenship of the husband; if a corporation, by filing a certified copy of its articles of incorporation and showing, to the extent reasonably ascertainable, the name, residence, citizenship of and amount of stock held by each stockholder, including the name of the country to which each alien stockholder owes allegiance.

Sub-paragraphs (f) and (g) are deleted.

The following paragraphs are added:

(f) Applicant's consent to be bound by the lease acreage limitation prescribed in section 194.26, and his agreement that he will not exercise his preference right to a lease for any land embraced in any potassium prospecting permit which, together with leases or interests in leases already held by him would exceed 15,360 acres.

An application executed by an attorney-in-fact must be accompanied by the power of attorney and the applicant's own statement as to his citizenship and acreage holdings. Applications on behalf of a corporation must be accompanied by proof of the signing officer's authority to execute the instrument and must have the corporate seal affixed thereto.

(over)

Section 194.7 is amended by adding the following in the first sentence after the citation to the Act of February 7, 1927:

"to the extent that he has not waived his preference right pursuant to section 194.6(f) of these regulations,"

Section 194.11 is amended by deleting from the third sentence of the second paragraph the words: "an affidavit" and substituting therefor the words: "a statement."

Section 194.17 is amended by deleting from the first sentence the words: "must be under oath and"; and by adding the following at the end of the section:

An application executed by an attorney-in-fact must be accompanied by the power of attorney and the applicant's own statement as to his citizenship and acreage holdings. Applications on behalf of a corporation must be accompanied by proof of the signing officer's authority to execute the instrument and must have the corporate seal affixed thereto.

Section 194.24 is amended by deleting from the last two sentences of section 2(o) of the lease form therein contained, the word "affidavit" and substituting in each instance the word "statement"; and by deleting from section 3(d) of the lease form the word "one-fourth" and substituting therefor the word "one-tenth."

Section 194.26 is amended to read:

194.26 Limitation on holdings. Section 5 of the Act of February 7, 1927 (44 Stat. 1057, 30 U. S. C. 285), provides that the general provisions of the Act of February 25, 1920, shall be applicable. The Secretary is given authority to prescribe necessary and proper rules and regulations, and in view of the provisions of amended section 27 of the latter Act as to holdings of permits and leases of the minerals enumerated therein, no person, association, or corporation will be granted, either directly, or indirectly, or by approval of assignments, (a) permits for an area, which when added to the area already held under permits issued under the 1927 Act, exceeds in the aggregate 25,600 acres, nor (b) leases for an area, which when added to the area already held under leases issued under the 1927 Act, exceeds in the aggregate 15,360 acres.

Section 194.27 is amended by deleting the word "affidavit" from the last two sentences and substituting in each instance the word "statement."

Oscar L. Chapman
Acting Secretary of the Interior.

March 24, 1947

Circular No. 1644

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Land Management
Washington

CODE OF FEDERAL REGULATIONS
TITLE 43--PUBLIC LANDS: INTERIOR

CHAPTER I--BUREAU OF LAND MANAGEMENT

SUBCHAPTER A--ALASKA
PART 79--TIMBER

AUTHORITY: The regulations herein amended issued under 44 Stat. 242, 16 U.S.C. 616.

The regulations for the sale of timber for exportation from Alaska contained in 43 CFR 79.35 to 79.44, inclusive, are amended as follows:

The third sentence in section 79.37 is amended by substituting the words "provided, however, that if operations have not been commenced within three years from the date of the execution of the contract the Secretary of the Interior, upon satisfactory showing, may in his discretion excuse the delay" for the words "and each contract shall contain a provision that all rights acquired thereunder shall be forfeited if operations have not been commenced within 3 years from the date of execution of the contract, unless, upon satisfactory showing the Secretary of the Interior, shall, in his discretion, excuse the delay."

Sections 79.39, 79.40 and 79.41 are amended to read as follows:

79.39 Publication and posting; marking of land. Immediately upon the filing of an application to purchase timber under sec. 79.37 a notice shall be published at the expense of the applicant in a newspaper designated by the manager, published in the vicinity of the land from which the timber is to be cut and most likely to give notice to the general public, once a week for a period of five consecutive weeks, in accordance with sec. 106.18. The description of the land in the notice must be identical with the description in the application. The manager will post a copy of said notice in a conspicuous place in his office during the period of publication. Upon the execution of a contract, the purchaser shall, if the lands from which the timber is to be cut are unsurveyed, cause the boundaries to be blazed or otherwise marked as provided in the contract. This requirement has been adopted in order that others who may subsequently desire to purchase timber or to settle upon or enter the land may have notice that the timber has been applied for.

79.40 Action by manager on application; field report and appraisal necessary. The manager will make appropriate notations upon the records of his office and transmit the application to the Director of the Bureau of Land Management, and at the same time transmit the duplicate to the Regional Administrator at Anchorage, Alaska, or to an examiner located in the particular land district who shall have

*Still in effect
5/26/54 JAB
Time Part 79- see
circ. 1393, 1503, 1815
2/18/44, too.*

been designated by the Regional Administrator to make appraisals. Upon receipt of the application the Regional Administrator or his representative will without delay cause the timber applied for to be examined and appraised. The appraisal rates will be based upon a fair stumpage rate taking into consideration the quality of the timber and its accessibility to market. In no event will any timber suitable for manufacturing purposes be appraised at less than \$1 per thousand feet, board measure. After an examination and appraisal has been made the Regional Administrator will at once submit his report and recommendation to the Director of the Bureau of Land Management, together with a statement of facts showing whether such sale would endanger the supply of timber for local use. The Government reserves the right to reappraise the remaining standing timber at the expiration of 5 years from the date of commencement of the timber cutting period as set forth in sec. 79.37 and at intervals of 5 years thereafter, but in no instance shall the appraisal be at more than double the rate of the original appraisal.

79.41 Execution of contract; bond required. Upon receipt of a report that such sale appears warranted, the Director of the Bureau of Land Management, if he agrees, will offer the timber for sale by competitive bidding in such newspapers and publications and for such period of time as he may designate. The successful bidder will be notified that he will be allowed 30 days from receipt of such notice within which to enter into a contract with the Government through the Director of the Bureau of Land Management as its agent to purchase the timber offered for sale pursuant to the rules and regulations of the Department of the Interior pertaining thereto, and shall execute and file therewith a bond in a sum not less than 50 percent of the stumpage value of the estimated amount of timber to be cut during each year of the contract. The said bond must have as surety a bonding company shown on an approved list issued by the Treasury Department, and it shall be conditioned on the payment for the timber in accordance with the terms of the contract and to the faithful performance of the contract in other respects and to observance of the rules and regulations pursuant to which the sale is made. Contracts and bonds hereunder will be executed on forms 4-030 and 4-030a, respectively.

Section 79.42 is deleted, the first sentence in section 79.43 is amended by substituting the words "authorized officer" for the words "Secretary of the Interior" and section 79.43, as amended, and section 79.44 are renumbered sections 79.42 and 79.43, respectively. The section number 79.43 is substituted for the section number 79.44 in the renumbered section 79.43.

Section 50.300 added by order of August 28, 1946, is amended by adding descriptions of new forms as follows:

| Subject | Description of Form | Form No. |
|---------|---|----------|
| Alaska | Timber:
Contract for the
sale of timber for
export. | 4-030 |
| | Bond to be executed by
purchaser under contract
for the sale of timber
for export. | 4-030a |

Approved: March 28, 1947.

Warner W. Gardner
Assistant Secretary of the Interior.

Fred W. Johnson
Director.

Circular No. 1645

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Land Management
Washington

*Complete. See
Circ. 1845*

CODE OF FEDERAL REGULATIONS
TITLE 43--PUBLIC LANDS: INTERIOR

PART 147--EXCHANGES BY STATES UNDER TAYLOR GRAZING ACT

AUTHORITY: Secs. 147.2, 147.4 and 147.6-147.14 issued under sec. 2, 48 Stat. 1270; 43 U. S. C. 315a.

Part 147 as amended by Circular 1617, June 20, 1946 and Circular 1625, November 1, 1946 is further amended as follows:

Section 147.2 is amended to read as follows:

147.2 Lands which may be offered in exchange. Lands offered in exchange by a State may be lands owned by the State within or without the boundary of a grazing district, and the selected lands may be surveyed grazing district lands not otherwise appropriated or reserved, or unappropriated and unreserved surveyed public lands of the United States within the same State. If, however, the selected lands are within a grazing district, the lands offered by the State in exchange must be within the same grazing district and such selected lands must lie in a reasonably compact body so as not to interfere with the administration or value of the remaining lands in the district for grazing purposes.

An application for exchange may be made on the basis of equal area or equal value. However, with respect to all exchange applications filed after the date of these regulations the Secretary of the Interior will consider and determine the value of the offered and selected land and will not approve an exchange unless the values of the offered and selected land are approximately equal. In determining such values, consideration will be given to such matters as the actual appraised value of the lands, the benefits of consolidation or blocking out of land holdings by the State and the Federal Government as a result of the proposed exchange, the size of the areas involved, the value of the surface or other resources, including such reservations of minerals or easements as may be made by the State or the United States, and any other considerations which may have appropriate bearing on the value of the lands involved.

When mineral lands are selected in an exchange based upon equal acreage, the patent will contain a reservation of all minerals to the United States, and in any exchanges based upon equal acreage, the State may offer mineral lands owned by the State, with a mineral reservation to the State.

Unsurveyed school sections within or without the boundary of a grazing district may be offered by the State in an exchange based upon equal areas, but no mineral reservations to the State may be made in such unsurveyed sections, the identification of which will be determined by protraction or otherwise, the State by such selections waiving all rights to the unsurveyed sections.

State-owned lands, as well as school sections surveyed and unsurveyed the title to which has not yet vested in the State, located within national forests, national parks and monuments, Indian or other reservations or withdrawals, may be offered as a basis for an exchange under said section 8 of the Taylor Grazing Act as amended, where the selected lands are not within a grazing district. Where the selected lands are within a grazing district, lands within the exterior boundaries of the grazing district and also within such reservations or withdrawals may be offered as a basis for an exchange only if the Secretary of the Interior determines that the exchange would not interfere with the administration or value of the remaining lands in the grazing district for grazing purposes.

Section 147.4 is amended to read as follows:

147.4 Application for exchange: evidence required. A State desiring to exchange lands under section 8 of the Taylor Grazing Act should file application, in triplicate, in the district land office having jurisdiction over the selected lands, or in the Bureau of Land Management when there is no district land office within the State. Such application should describe the lands offered to the Government as well as those selected in exchange, by legal subdivisions of the public land surveys, or by entire sections, and nothing less than a legal subdivision may be surrendered or selected.

The application for exchange should identify the grazing district or districts in which the offered or selected lands are situated, if such lands lie within a grazing district, and should state whether the State desires the proposed exchange to be based upon equal value or equal acreage. In addition, the application should state whether or not any reservations of minerals, easements, or other rights of use in or to the offered lands are desired, and what use thereof is contemplated, whether the State consents to a reservation of minerals to the United States in the selected lands and what other reservations or easements which are to be made by the United States with respect to the selected lands are acceptable to the State. Each application for an exchange must be accompanied by the following certificate and statement:

(a) A certificate by the selecting agent showing that the selection is made under and pursuant to the laws of the State; that the lands selected and the lands relinquished are approximately of equal value, unless the exchange is proposed to be based on equal areas; that the State is the owner of the lands offered in exchange, if such is the case; that the

offered lands are not the basis of another selection or exchange, and that the selected lands are unappropriated and are not occupied, claimed, improved, or cultivated by any person adversely to the State.

(b) A corroborated statement relative to springs and water holes on the selected lands in accordance with the regulations in secs. 292.1 - 292.9.

Section 147.6 is revoked.

Sections 147.7 to 147.16 are renumbered 147.6 to 147.15, respectively.

The first sentence of section 147.8, renumbered 147.7, is amended to read as follows:

After considering the application and any evidence relative thereto as he may deem necessary, the Director of the Bureau of Land Management, unless he has reason to do otherwise, will with the approval of the Secretary of the Interior, issue notice for publication of the contemplated exchange, and will require the State, through the Manager of the District Land Office, to submit proof of publication of notice, a duly recorded deed of conveyance of the offered lands (unless such offered lands are not owned by the State), a certificate of the proper State officer showing that the offered lands have not been sold or otherwise encumbered by the State, and a certificate by the recorder of deeds or official custodian of the records of transfers of real estate in the proper county, or by an abstractor or abstract company satisfactory to the Department of the Interior, that no instrument purporting to convey or in any way encumber title to the offered land is of record or on file in his office.

Section 147.15, renumbered 147.14, is amended to read as follows:

147.14 No indemnity right accrues by the inclusion of school sections within grazing districts. A grazing district is not a reservation within the meaning of the act of February 28, 1891 (26 Stat. 796; 43 U.S.C. 851, 852), and therefore school sections, surveyed or unsurveyed, within a grazing district are not for that reason only valid base for indemnity school land selections under said act of 1891. The inclusion of unsurveyed school sections within a grazing district will not prevent the title to such lands from vesting in the State upon the acceptance of the plat of survey thereof by the Director of the Bureau of Land Management.

Granted school sections owned by a State within or without the boundaries of a grazing district may be assigned by the State as a basis for an equal value, or equal area exchange, and unsurveyed school sections within or without the boundaries of a grazing district may be assigned by the State as a basis for an equal area exchange.

Approved: April 7, 1947.

J. A. Krug
Secretary of the Interior.

Fred W. Johnson
Director.

12 FR 3664
1947

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Office Copy

Circular No. 1647

Absolute - See Circ.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON

See 1764
See 1665, 1691, 1710, 1764

CODE OF FEDERAL REGULATIONS
TITLE 43--PUBLIC LANDS: INTERIOR
CHAPTER I--BUREAU OF LAND MANAGEMENT

PART 257--LEASE OR SALE OF SMALL TRACTS, NOT EXCEEDING
FIVE ACRES, FOR HOME, CABIN, CAMP HEALTH, CONVALESCENT,
RECREATIONAL OR BUSINESS SITES

| Sec. | | Sec. | |
|--------|---|--------|---|
| 257.1 | Statutory Authority; lands which may be leased or sold. | 257.11 | Renewal of lease; preference rights. |
| 257.2 | Definitions. | 257.12 | Assignment of lease; subleases of leased lands. |
| 257.3 | Policy. | 257.13 | Cancellation or modification of lease. |
| 257.4 | Qualifications of applicants; restrictions on purchase and lease. | 257.14 | Sale. |
| 257.5 | Execution and filing of applications. | 257.15 | Minerals. |
| 257.6 | Fee. | 257.16 | Timber. |
| 257.7 | Action on application by Manager. | 257.17 | Rectangular tracts. |
| 257.8 | Classification of land. | 257.18 | Supplemental plats. |
| 257.9 | Occupancy; preference right of applicant; action on application. | 257.19 | Irregular tracts; cost of special survey. |
| 257.10 | Issuance of lease; option to purchase. | 257.20 | Tracts on unsurveyed land. |
| | | 257.21 | Appeals. |

AUTHORITY: Sections 257.1 to 257.21, inclusive, issued under 52 Stat. 609; 43 U.S.C. 682a.

The regulations governing leases or sales under the Act of June 1, 1938 (52 Stat. 609, 43 U.S.C. 682a), as amended, contained in Part 257, Cum. Supp., as amended by Circular Nos. 1602, March 30, 1945, and 1613, February 27, 1946, are amended to read as follows:

Section 257.1 Statutory Authority; lands which may be leased or sold. The Act of June 1, 1938 (52 Stat. 609), as amended by the Act of July 14, 1945 (59 Stat. 467; 43 U.S.C. 682a), authorizes the Secretary of the Interior, in his discretion, to lease or sell to any person who is the head of a family, or who has arrived at the age of 21 years, and is a citizen of the United States, or who has filed his declaration of intention to become such citizen, as required by the naturalization laws, a tract of not exceeding 5 acres, in reasonably compact form, of any vacant, unreserved, surveyed public land, or surveyed public land withdrawn or reserved by the Secretary of the Interior for any purposes, or surveyed lands withdrawn by Executive Orders 6910 of November 26, 1934, and 6964 of February 5, 1935, for classification, which the Secretary may classify as chiefly valuable as a home, cabin, camp, health, convalescent, recreational, or business site. The act is applicable to lands in such areas as grazing districts, but is not applicable to lands withdrawn by the Secretary solely under delegated authority (e.g., under Executive Order No. 9337, of April 24, 1943) or to land in such reservations as national forests, national parks or national monuments, or to the revested Oregon and California railroad or the reconveyed Coos Bay wagon road grant lands, in Oregon. The lands cannot be leased or sold until classified for such purposes.

The act applies to public lands in Alaska, and permits employees of the Department of the Interior stationed in Alaska, in the discretion of the Secretary, to purchase or lease one tract in Alaska for any purpose under the act, except as a business site.

257.2 Definitions.

- (a) "Secretary" means Secretary of the Interior.
- (b) "Director" means Director, Bureau of Land Management.
- (c) "Regional Administrator" means the Regional Administrator, Bureau of Land Management. Where there is no Regional Administrator, it means the Director, Bureau of Land Management.
- (d) "Manager" means Manager of the District Land Office. Where there is no District Land Office, it means the Regional Administrator.
- (e) "The act" means the Act of June 1, 1938 (52 Stat. 609), as amended.
- (f) Sites.
 - (i) A home site is a site suitable for a permanent, year-round residence for a single person or a family.
 - (ii) A cabin site is a site suitable for a summer, weekend, or vacation residence.
 - (iii) A camp site is a site suitable for temporary camping and for the erection of simple or temporary structures and shelters, such as tents, tent platforms, etc.
 - (iv) A health site is a site suitable for the temporary or permanent residence of a single person or of a family for the prevention or cure of disease or illness.
 - (v) A convalescent site is a site suitable for residence of a single person or family for the purpose of recuperation from a disease or illness.
 - (vi) A recreational site is a site chiefly suitable for non-commercial outdoor recreation.

(vii) A business site is a site suitable for some form of commercial enterprise.

257.3 Policy. It is the policy of the Secretary in the administration of the Act of June 1, 1938, to promote the beneficial utilization of the public lands subject to the terms thereof, and at the same time to safeguard the public interest in the lands. To this end applications for sites will be considered in the light of their effect upon the conservation of natural resources and upon the welfare not only of the applicants themselves but of the communities in which they propose to settle.

Applications will not be allowed, for example, which would lead to private ownership or control of scenic attractions or water resources that should be kept open to public use. Nor will isolated or scattered settlement be permitted which would impose heavy burdens upon state or local governments for roads, schools, and police, health, and fire protection. Types of settlement, or business which might create "eyesores" along public highways and parkways will be guarded against.

No direct sale will be made of lands under the act. Use and improvement of the land under lease will be required before it will be sold. Leases of lands which are classified for lease and sale will contain an option permitting the lessee to purchase as provided in section 257.10 of the regulations in this Part. Lands which are classified for lease only will not be sold and leases of such land will not contain an option to purchase clause.

257.4 Qualifications of applicants; restrictions on purchase and lease. An application to lease or purchase may be made by any person, including a married or single woman, who is a citizen, or has declared his or her intention to become a citizen, of the United States, and who is 21 years of age or, if under that age, the head of a family. Unless warranted by special circumstances, where a husband and wife are living together, only one of them may acquire a tract under the act.

Employees of the Department of the Interior stationed in Alaska may lease or purchase one tract in Alaska for any purpose under the act except business.

No person will be permitted to lease or purchase more than one tract under the act, except upon a satisfactory showing that such action is warranted. Where more than one tract is applied for under the act by the same person, except where otherwise authorized by the Regional Administrator, each tract must be the subject of a separate application, which must be complete in itself, must be filed in accordance with all of the applicable regulations, and must be accompanied by a showing that the allowance of more than one application is warranted by the circumstances.

In each application to purchase or lease, the applicant must furnish data sufficient to identify all other applications under the act, if any, filed by him or any member of his family. Such data should include the serial number and date of filing of each such application and the district land office at which it was filed.

257.5 Execution and filing of applications. An application for lease under the act must be filed on Form 4-775. An application for sale should be made on Form 4-775a. All applications must be prepared with an original and one copy. The applicant must furnish all the information required by the form, including the declaration that he has personally examined the lands for which the application is filed. The application must be filed with the manager of the land office for the district within which the land is situated. If the land is in a State in which there is no district land office, the application must be filed with the Regional Administrator for the State in which the land is situated. The application need not be under oath but must be signed by the applicant.^{1/}

257.6 Fee. An application for lease must be accompanied by a filing fee of \$5, which will be carried as unearned, pending action on the application. If the

Y Title 18 U.S.C. sec. 80 makes it a crime for any person knowingly or wilfully to submit or cause to be submitted to any agency of the United States any false or fraudulent statement as to any matter within its jurisdiction.

application is rejected, the fee will be returned. If a lease is offered to the applicant, the fee will be considered as earned and will be retained. An application for sale need not be accompanied by a filing fee.

257.7 Action on application by Manager. If an application is not properly executed or is not accompanied by the required fee, or is otherwise irregular, the manager will reject it.

257.8 Classification of land. If the application is regular and the status of the land applied for warrants its consideration for classification under the act, the Regional Administrator, upon receipt of the application, will proceed to have such studies and investigations made as may be required for a determination as to whether or not it should be classified for small tract purposes. Where the land applied for has been withdrawn or reserved by the Secretary, the concurrence of the bureau having supervision over the land must be obtained before the land may be classified.

A single tract of 5 acres or less may be classified as suitable for one or more of the above types of sites specified in section 257.2. Each tract will be classified as available either for lease and sale or for lease only. Tracts which are classified for lease only will not be subject to sale.

The Regional Administrator may classify lands under the act either on his own motion or upon application. Where land is classified by the Regional Administrator on his own motion, prior to September 27, 1954, veterans of World War II have a preference right for 90 days, after the effective date of the classification of the lands, in which to file a small tract application. (Section 4, Act of September 27, 1944; 58 Stat. 745, 43 U.S.C. 282).

No lease will be offered and no sale authorized prior to the classification of the land for such disposal.

257.9 Occupancy; preference right of applicant; action on application.

The filing of an application confers no right upon the applicant to settle upon, use or occupy the land and all persons are warned not to make such settlement, and not to use or occupy the land prior to the issuance of a lease. Any such unauthorized settlement, use or occupancy constitutes a trespass.

Where an application is regularly filed pursuant to the regulations in this Part prior to the time the manager is notified by the Regional Administrator that the area is under consideration for small tract classification, a preference right to lease or purchase will be accorded the applicant if the land is thereafter classified for the type of site for which application has been made and the application is made to conform to the area and dimensions specified in the classification order.

Applications filed subsequent to the receipt of such notice by the manager shall be acted upon and disposed of in accordance with the terms of the respective classification orders.

257.10 Issuance of lease; option to purchase. The manager will act on applications for and may issue leases upon lands, for periods not exceeding five years, which are classified for any purpose specified in the act, other than business, provided that (1) the applicant, upon the issuance of such lease, will have only one tract under the act and (2) the application covers a tract as established by the order of classification. All other leases, including those for business sites, will be issued by the Regional Administrator.

Leases under the act will be prepared in quadruplicate on Form 4-776. A lease will be issued for a period of not more than five years, unless the character of the venture justifies a longer period. Each lessee will be required to pay the annual rental, in advance, to the manager of the proper district land office. If the annual rental does not exceed \$10, the lessee will be required to pay the

rental for the entire lease period in advance of the issuance of the lease. The advance rental will be considered as earned upon issuance of the lease and will be retained.

The lease will contain provisions relating to the improvements to be placed on the lands and such other conditions of occupancy as are set forth in the order of classification, including an appropriate set back of the improvements from the boundaries of the leased tract. Plans for improvements may be submitted to the Regional Administrator for approval in advance of construction.

All leases of tracts which are classified for lease and sale will contain a provision affording the leases or his duly approved successor in interest an option to purchase the tract at or after the expiration of one year from the date the lease is issued, provided the improvements required by the lease have been made and the lessee or his successor in interest has otherwise complied with the terms and conditions of the lease, including the option to purchase clause. The option to purchase clause will set forth the appraised value of the unimproved land at the date the lease was issued. This value, together with the cost of survey, if any, necessary to describe the land properly, will constitute the price at which the land may be purchased. Any rental paid in advance for the lease period subsequent to the date that an application for sale is properly filed will be credited against the purchase price.

Leases of tracts which are classified for lease only will not contain an option to purchase clause.

257.11 Renewal of lease; preference rights. The manager may act upon applications to renew leases which he is authorized to issue. (See sec. 257.10). He may issue such renewal leases for periods not exceeding five years, provided the land then is classified for the purpose specified in the original lease. All other applications to renew leases will be acted upon, and renewal leases issued, by the Regional Administrator.

Upon the filing of an application for the renewal of a lease, not more than six months or less than 60 days prior to its expiration, the lessee or his duly approved successor in interest will be accorded a preference right to a new lease, upon such terms and for such duration as may be fixed by the appropriate officer designated above, if the terms of the lease have been complied with and it is determined that a new lease should be granted. No option to purchase clause may be placed in the renewal lease if it is not in the original lease unless the lands have been classified for sale.

257.12 Assignment of lease; subleases of leased lands. The manager may approve assignments of leases and subleases of the lands subject to leases which he is authorized to issue (See sec. 257.10). All other assignments and subleases will be approved by the Regional Administrator.

Proposed assignments of leases, and proposed subleases of leased lands, in whole or in part, must be submitted, in triplicate, within 90 days from the date of execution for approval by the appropriate officer designated above. The proposed assignment or sublease must contain all of the terms and conditions agreed upon by the parties thereto, must be accompanied by the same showing by the assignee or sublessee as is required of applicants for a lease, and must be supported by a showing that the assignee or sublessee agrees to be bound by the provisions of the lease. No assignment or sublease will be recognized unless and until approved by the appropriate officer designated above.

257.13 Cancellation or modification of lease. The Regional Administrator may modify or cancel any lease where the lessee has failed to comply with any of the terms, covenants and stipulations of the lease or to abide by any of the regulations in this Part, and such default has continued for 30 days after written notice thereof.

257.14 Sale. The Regional Administrator may authorize the sale of those tracts which have been classified for sale whenever, within the limitations of the lease and the regulations in this Part, he may consider such action appropriate.

Lands will be classified for sale where found to be primarily suitable for use and occupancy as provided by the act, and where their disposal and use in private ownership will not interfere unduly with the use of private lands or other Federal lands. Tracts will be sold under the act when the lessee or his duly approved successor in interest has placed the improvements on the tract required by the lease and otherwise has complied with the terms and conditions of the lease but no sale may be made and no application for sale may be filed until the tract has been under lease to the sale applicant or his duly approved successor in interest for at least one year from the date the lease was issued. The sales price of the tract will be indicated in the option to purchase clause of the lease.

An application for sale should be made on Form 4-775a. When a sale is authorized, the applicant will be allowed sixty days from service of notice of such authorization to deposit either the full amount of the purchase price, or, if he desires, one-fourth thereof. If only one-fourth of the purchase price is paid, the balance may be paid in equal semi-annual instalments but must be paid within two years after the initial payment has been made. The applicant's right to the tract and the money he has paid will be forfeited if he fails to make full payment within that period.

Any advance rentals paid for the lease period subsequent to the date that the application for sale is properly filed will be credited against the purchase price.

If the applicant has paid the full purchase price and otherwise complied with the foregoing and no objection appears, cash certificate will be issued by the Manager, to be followed by patent.

257.15 Minerals. Any lease or patent issued under the act will reserve to the United States (1) all deposits of coal, oil, gas or other minerals, together with the right to prospect for, mine, and remove the same under such regulations as the Secretary may prescribe, and (2) all fissionable source materials, together with the right to prospect for, mine and remove the same, in accordance with the Act of August 1, 1946 (60 Stat. 755). Any minerals subject to the leasing laws, in the lands patented or leased under the terms of the act may be disposed of to any qualified person under applicable laws and regulations in force at the time of such disposal. No provision is made at this time to prospect for, mine, or remove the other kinds of minerals that may be found in such lands, and until rules and regulations have been issued, such reserved deposits will not be subject to prospecting or disposition.

257.16 Timber. A lessee will not be permitted to cut timber from the leased lands without first obtaining permission from the Regional Manager. Such permission will not be granted except where the timber is to be cut to clear the land or to make improvements.

257.17 Rectangular tracts. The official township plats ordinarily provide the basis for descriptions of tracts, in compact form, in units of 5 acres or aliquot parts thereof. Where a tract, not exceeding five acres, can be conformed to legal subdivisions of the survey, no additional official survey will ordinarily be made by the Government beyond the identification of the quarter quarter section corners.

257.18 Supplemental plats. Where a tract is situated in the fractional portion of a sectional lotting, a supplemental plat may be required to afford a suitable description. The plat will be prepared at the time of the approval of the application. If the subdivision of the sectional lotting would result in narrow

strips or other areas containing less than $2\frac{1}{2}$ acres, not suitable for sale or lease as separate units, such excess areas, in the discretion of the Regional Administrator, may be included in the adjoining 5-acre tracts.

257.19 Irregular tracts; cost of special survey. Where, in the opinion of the Regional Administrator, the rectangular form is not the most desirable plan for development of an area, tracts irregular in form, not in excess of 5 acres each, may be leased or sold in accordance with the regulations in this Part. Applicants for such tracts will be required to submit a metes-and-bounds description sufficiently complete to identify the location, boundary, and area of the lands. Where a special official survey is required of an irregular tract for the purpose of patent or lease description, the cost thereof will be paid by the applicant. If there is a group of contiguous or closely associated tracts to be surveyed at one time the cost will be pro-rated among the tracts on an acreage basis. The applicant will be required to make an advance payment to the manager, equal to the estimated cost of executing the survey, before the field work will be undertaken. He will be credited with any excess payments prior to the issuance of patent or lease.

257.20 Tracts on unsurveyed land. Unsurveyed public lands are not subject to lease or sale under the act. Should an application be filed for such lands, the manager will reject it. However, if desired, the applicant may file a request for the survey of the lands with the Public Survey Office of the State in which the lands are situated or with the Regional Administrator of the region in which the lands are situated if the lands are not within an organized surveying district. The description must be sufficiently complete to identify the location, boundary, and area of the land. There should also be given, if possible, the approximate description or location of the land by section, township and range. A person who

requests the survey of an area acquires no preferential right to apply for the land under the act upon the completion of the survey and the official of the plat. After the survey is completed and the official plat is placed on record, the surveyed area will be subject to the provisions of the act and application may then be filed.

257.21 Appeals. An appeal pursuant to the Rules of Practice, Part 221, may be taken from any decision of the manager to the Regional Administrator, from the latter's decision to the Director, and, from his decision to the Secretary.

(Sgd) Fred W. Johnson,
Director.

Approved: May 27, 1947.

(Sgd) Oscar L. Chapman,
Under Secretary of the Interior.

Circular No. 1649

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON

Revised by Circ. 1840

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR
CHAPTER I - BUREAU OF LAND MANAGEMENT
PART 192 - OIL AND GAS LEASES

The second sentence in the first paragraph of 43 C.F.R. 192.42 (Circular 1624, approved October 28, 1946), is amended to read as follows:

All applications must be filed in duplicate and must be accompanied by the filing fee prescribed in Sec. 191.11 of this chapter, and at least one-half of the first year's rental. (Sec. 32, 41 Stat. 450, 30 U.S.C. 189; Act of August 8, 1946, 60 Stat. 950).

(SGD) Oscar L. Chapman
Acting Secretary of the Interior

JUL 17 1947

Circular No. 1650

*Obsolete - replaced
by circ. 1840*

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON

CODE OF FEDERAL REGULATIONS
TITLE 43--PUBLIC LANDS: INTERIOR
CHAPTER I--BUREAU OF LAND MANAGEMENT

PART 192 - OIL AND GAS LEASES

Section 192.8 is amended by eliminating the last sentence thereof. (Sec. 32, 41 Stat. 450; 30 U.S.C. 189)

(SGD) Fred W. Johnson

Director.

Approved: JUL 24 1947

(SGD) C. Girard Davidson

Assistant Secretary of the Interior.

